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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 April 1999, at 6 p.m.

Chairperson: Mr. BAUMANIS (Latvia)

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The meeting was called to order at 6.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/1989/46, E/CN.4/1999/7, 25-27, 30-38, 40-43, 104, 107, 117, 119, 121, 125-127, 129-137, 139; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

1. Mr. NAZARIAN (Observer for Armenia), regretting the failure to implement the resolutions on the situation in Cyprus adopted by the Security Council and the Commission, called for the restoration of the fundamental human rights of all Cypriots throughout the country, rights which had been systematically destroyed and desecrated.

2. His Government was also concerned about the issue of Nagorny Karabakh; hundreds of thousands of Armenians had been deported as a result of gross violations of basic rights by the Government of Azerbaijan. Atrocities committed between 1988 and 1992 had gone unpunished, and some of the perpetrators had become national heroes in Azerbaijan. Deported Armenians were still awaiting compensation for property lost at that time.

3. In the interests of lasting regional peace and security, his Government had accepted the latest proposal put forward under the auspices of the Organization for Security and Cooperation in Europe (OSCE), but the same proposal had been rejected by Azerbaijan.

4. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that numerous calls had been made, in a number of recent General Assembly resolutions and various human rights texts, for the streamlining and reform of human rights mechanisms, yet one group, which had a block vote, had fought hard to prevent any genuine change. That group was attached to the current country-situation procedure, which was based on the use of the politics of shame, and made no allowance for the establishment of other procedures. The European Union, which had traditionally sponsored the resolution on the situation of human rights in the Islamic Republic of Iran, had named many countries in its statement, but had not once mentioned possible human rights violations in Europe. The current system was selective, biased, arbitrary and very much influenced by political considerations. Human rights violations occurred in all parts of the world.

5. The resolution on the human rights situation in the Islamic Republic of Iran, where significant improvements had taken place, was a typical case of selectivity and politicization, as the political interests of the sponsors were given more importance than the human rights mechanism itself. The Commission's country-situation procedure must be credible, impartial and non-selective if it was to make a meaningful contribution to human rights globally. Among the proposals likely to help ensure the objectivity of the Commission's work, and to forestall politicization and selectivity, were those advocating norm and criteria setting, secret voting on country-situation

resolutions, consideration of certain cases every two years, arrangements for genuine negotiations on country situation resolutions and promotional activities.

6. Mr. KRISAFI (Observer for Albania) noted that for years violations of human rights in the Federal Republic of Yugoslavia had been the subject of resolutions adopted by the Commission. The most recent example of such violations was the situation in Kosovo, where organized State terrorism carried out by the Serb authorities had led to a particularly grave situation not only for Kosovo itself, but for the entire region. As it had throughout the century, Serbia had, in 1998 and since the Rambouillet negotiations, begun to "ethnically cleanse" Kosovo by resorting to killings, terror and mass expulsions.

7. The international community had made many efforts to stop the violence, especially in the last 10 years, but to no avail. The air strikes carried out by NATO against military targets had been prompted by the fundamental values of democracy and respect for human dignity. They were the best response the democratic world could make to a dictator. The people of Kosovo should be ensured enjoyment of their inalienable right to decide their fate for themselves, rather than having their territory divided or partitioned. His Government commended the commitment of the United States, the United Kingdom, Germany, France, Italy and the other NATO allies, and indeed the entire international community, for the support they had given to the people of Kosovo.

8. Mr. ARTUCIO (Special Rapporteur on Equatorial Guinea), introducing his report (E/CN.4/1999/41), said the gradual progress to which the previous report had referred had unfortunately not been confirmed, and no significant advances had been noted in the electoral process and the rule of law. Referring to the sections devoted to the activities of political parties, freedom of the press, the administration of justice, persons detained since the attempted rebellion of 21 January 1998 and political detainees, he noted that the democratization process had stopped and respect for human rights had even been set back. The Government had failed to take effective measures to replace authoritarian elements in the public administration with elements capable of creating a pluralistic and democratic society.

9. Mr. MANGUE (Observer for Equatorial Guinea) said that for 20 years his Government had worked with the Commission's Special Rapporteurs; it would continue to do so with a view to consolidating the rule of law and democracy. The Government had requested technical assistance in human rights and the administration of justice through training programmes for lawyers, prosecutors, judges, magistrates and others. It also hoped to receive assistance in the fields of governance and human rights, in accordance with the various recommendations by the Special Rapporteur.

10. The Government and the political parties maintained a constant dialogue in a climate of cooperation, as reflected by the successful preparation and holding of elections in March 1999, with 96 per cent participation. It was surprising indeed that the Special Rapporteur had decided to give short shrift to the efforts made. His report appeared to be overly pessimistic and concentrated unduly on theoretical aspects. In practice, Equatorial Guinea

was a democratic country with a free press and freedom of expression, where the Government was criticized and people could speak their minds. The amount of foreign investment testified to that fact. The recent elections had been recognized by the international community, the political opposition was playing its role, and all fundamental rights and freedoms were recognized, just as they were in any democratic, developing society.

11. The Government had had some reservations about the report, and it had invited the Special Rapporteur to verify many of the things he denounced, but he had declined. The report repeated rumours and specious accounts given by the political opposition. If that opposition had put forward constructive proposals, the dialogue with the Government would make headway. It was hoped that the parties represented in the new Parliament would work in a spirit of cooperation with the Government.

12. The Government was prepared to verify in situ complaints of detention, ill-treatment and other concerns expressed in the report. Equatorial Guinea had undergone 200 years of colonial rule and 11 years of dictatorship with no democratization whatsoever. Despite the vestiges of the previous regimes, the current Government, which accepted the criticism levelled against it, was the only one in the country's history which had succeeded in pursuing democratic objectives. It had introduced a free market economy, opened the country up to the rest of the world, established a multi-party system, held various elections, maintained peace and trust among the population and ethnic groups, and revised legislation, as recommended by the Special Rapporteur. Human rights and democratization, far from being paralysed as the Special Rapporteur had maintained, were constantly developing.

13. Equatorial Guinea needed cooperation and technical assistance for the consolidation of the rule of law. It therefore called for the creation of its own centre for the promotion of human rights to assist not only the Government but also civil society in establishing the required mechanisms.

14. Mr. HADZIMUSIC (Observer for Bosnia and Herzegovina) said that since the signing of the Dayton Peace Agreement, implementation of the civilian aspects of the Agreement had progressed, albeit slowly. The adoption of a common form of vehicle licence plate, passport and national currency had improved freedom of movement between the two entities within the country, and the institutions of both entities were functioning better. The right of return or fair compensation for refugees and displaced people was the key to implementation of the Agreement. Some 800,000 people were still refugees, mainly in other countries, and a quarter of them had requested the right to return. While the right to fair compensation had not yet been realized in practice, some headway had been made in the past year, as the two entities had both adopted legislation governing private property. On the other hand, the eviction of illegal tenants remained a slow and ineffective process.

15. The country still had to develop freedom of expression and press freedoms, and national, religious and political discrimination remained. Since 1998 there had been cooperation between the various nationalities in establishing, with the help of international experts, the fate of people who had disappeared during the conflict. Though the Constitution incorporated all the provisions of the European Convention for the Protection of Human Rights

and Fundamental Freedoms, current practice still diverged widely from the constitutional standards. The commission comprising the Ombudsman and the Human Rights Chamber was making an increasingly positive contribution to the protection of human rights in Bosnia and Herzegovina, and the fiftieth anniversary of the Universal Declaration had been marked in both Sarajevo and the Republika Srpska. In the two entities, human rights bodies, NGOs and intergovernmental organizations were improving the general situation and would no doubt assist in meeting the standards required for membership in the Council of Europe, which was an important national objective.

16. The international community, and specifically the Office of the High Representative, the Organization for Security and Cooperation in Europe, the multinational stabilization force (SFOR) and the International Penal Tribunal for the Former Yugoslavia, were to be thanked for their support in bolstering human rights in the country. The presence of the international community was indispensable, and its assistance in various fields would help in the reconciliation and democratization process.

17. Mr. DE SANTA CLARA GOMES (Observer for Portugal) said the situation in East Timor was still critical, despite steps taken towards a political settlement. Indonesia claimed that only 17 political prisoners remained in detention, but NGOs had reports of more than 100; arbitrary arrests by the military and paramilitary forces made it difficult to determine their exact number. Such prisoners should be released before the referendum on the future of the territory.

18. Indonesia's overwhelming military presence had not been reduced, and civilian militias armed and sponsored by sectors of the military had appeared, prompting thousands of people to abandon their homes. New killings were being reported regularly, and the 5,000 displaced people had to cope with food shortages and a lack of medical assistance.

19. The territory faced a serious risk of radicalization if the situation did not improve. A peace and stability commission would do much to promote reconciliation. As long as it occupied the territory, Indonesia bore responsibility for maintaining the internal security required for the democratic consultation process. That would require the disarming of civilian militias, a reduction in the number of Indonesian troops and a United Nations presence in the territory.

20. Mr. LUCK (Observer for Australia) underscored the importance which his delegation attached to institution-building as the best way to realize all human rights. Institutions could safeguard freedom of expression and the independence of the judiciary, and could ensure good governance.

21. The situation in Indonesia was complex. Structural reforms were under way in response to the people's clearly stated desire to participate in the political process and civil society was much less fettered, yet social tensions were erupting in violent incidents in many parts of the country. Indonesia needed support in its efforts to meet the numerous challenges confronting it. The political situation in East Timor was particularly sensitive. The transition to a new status, whether autonomy or independence,

should be smooth and peaceful, with reconciliation and disarming of civilian militias. Confidence-building measures should be taken by the Indonesian authorities.

22. China had made progress in the past two decades in the realization of economic and social rights. His Government urged China to ratify and incorporate into domestic law both the International Human Rights Covenants it had signed, and expressed concern about the arrest, trial and sentencing of members of the China Democracy Party.

23. On Bougainville in Papua New Guinea, a ceasefire had been declared. Australia strongly supported the process of reconciliation and respect for human rights through an aid programme and participation in the multinational police monitoring force. His Government was very concerned about human rights conditions in Myanmar. The ongoing repression of the National League for Democracy and detention of opposition members and others for expressing their political opinions were unacceptable, and the Government should secure their immediate and unconditional release. The ethnic conflict in Sri Lanka, too, was a cause for deep concern, although there had been some improvement, including the prosecution of members of the security forces for human rights abuses and a decline in the number of disappearances. The continuing and brutal killing of innocent civilians by the Liberation Tigers of Tamil Eelam (LTTE) and the LTTE's use of child soldiers were deplorable.

24. A pervasive culture of impunity had impeded the realization of human rights in Cambodia. An ad hoc international tribunal should be established, and a mechanism to try Khmer Rouge leaders should be set up with the support of the Cambodian Government. The limited or even non-existent access for women and girls to health care in Afghanistan was a matter of concern. Australia welcomed the return of United Nations personnel to the country and urged all Afghan factions to respect universal human rights norms. In Iran, a welcome and open debate on governance and human rights was taking place, yet Australia was still concerned about the treatment of religious minorities, and in particular the followers of the Baha'i faith. The Iranian Government should receive the Special Representative to carry the dialogue forward.

25. Australia was also concerned about the situations in Algeria, Nigeria, the Great Lakes region of Africa and Cyprus. The crisis in Kosovo was a potent reminder of what could happen if Governments violated the human rights of their citizens. Australia, deeply disturbed by the massive displacement of ethnic Albanians and the reports of executions by Serbian forces, called on President Milosevic, who bore direct responsibility for the crisis, to take the necessary steps to bring it to an end.

26. Mr. TEKLE (Observer for Eritrea) said that the Government of Ethiopia had been engaged in a systematic and brutal reign of expulsion, detention, torture and execution of some 54,000 Eritreans and Ethiopians of Eritrean origin solely and purely on the basis of their ethnic origin. Over 160,000 people had been displaced, and 1,000 had gone missing. The overwhelming majority of the victims had been Ethiopian citizens, most of whom had been born and raised in Ethiopia. Some had been deported for having one parent, or even one grandparent, who had been born as an Eritrean. Internationally-recognized NGOs such as Amnesty International and Human Rights

Watch, various Governments and international organizations had testified to the anguish of the victims of those gross violations of human rights, which had no basis in the Ethiopian Constitution or the Penal Code. The acts were based on the immoral, evil and racist tenet known as the "Meles doctrine", according to which "any foreign national, whether Eritrean or Japanese ... lives in Ethiopia because of the goodwill of the Ethiopian Government. If we say 'Go, because we do not like the colour of your eyes', they have to leave".

27. The Ethiopian Government maintained that those expelled were spies, infiltrators and saboteurs, yet they included a blind octogenarian, a five-year-old girl and an army colonel who had commanded several Ethiopian divisions against the Eritrean liberation struggle. The Government would also no doubt argue that it could make derogations from the human rights provisions of its own Constitution and Penal Code for the sake of State security. However, that would permit it neither to revoke the citizenship of its nationals of Eritrean origin, nor to violate the Fourth Geneva Convention by carrying out mass deportations and the forcible transfer of populations, which was, according to the draft code of crimes against the peace and security of mankind, a crime against humanity.

28. The United Nations High Commissioner for Human Rights, the Secretary-General, the Prime Minister of Sweden, the United States Government, Amnesty International, Human Rights Watch and the Heads of Mission of the European Union in Eritrea had all denounced Ethiopia's violation of humanitarian law and human rights law. Eritrea, for its part, had ensured the protection of the human rights of all Ethiopians living in Eritrea.

29. The Commission had a vital role in confronting Ethiopia's gross violations of human rights. It must inform the Ethiopian Government that no State could derogate from the provisions of the Geneva Conventions on the grounds of a national emergency, and that no State could invoke its sovereignty to violate human rights. At the very least, the Commission should send a clear message of condemnation of Ethiopia's acts and sympathy with the victims. Silence would only legitimize those acts and undermine human rights norms. His delegation therefore requested that the Commission should appoint a Special Rapporteur on Ethiopia.

30. Ms. BECIREVIC (Observer for Croatia), referring to the mandate of the Special Rapporteur on Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, said the three countries had evolved very differently in terms of democratic processes, institutions and human rights protection mechanisms. The Special Rapporteur's mandate, which had been the first to include humanitarian aspects, had evolved as well, and after the signing of the Dayton Peace Agreement had focused on monitoring institutions in civil society. However, that mandate disregarded the fact that civil society was not evolving at the same pace in the three substantially different situations.

31. Croatia had enjoyed good cooperation with each Special Rapporteur and had always cooperated with international monitors. Croatia was the only country among the three that was a member of the Council of Europe and, as such, was subject to the most stringent regional human rights mechanism, the European Court of Human Rights.

32. No report had yet been submitted evaluating the Special Rapporteur's mandate and the compliance of each State with his recommendations. Unfortunately, the Commission did not take into consideration the level of compliance in its assessment of the Special Rapporteur's proposals. The mandate had simply been renewed automatically.

33. The report of the previous Bureau (E/CN.4/1999/104) on the review of mechanisms had called for a more focused, systematic approach, taking into account compliance with past recommendations. It was hoped that the Commission would modify its practice accordingly so as to differentiate between the three countries concerned and treat each in a manner appropriate to its institutional development and progress in the areas of democracy and human rights. It should not cover all three countries in a single resolution, placing them under a single Special Rapporteur's mandate.

34. The Special Rapporteur had rightly stated that Croatia was the most stable country in the region, but when he addressed the return of refugees he omitted to take into consideration the need to preserve that stability. He had also failed to emphasize the interconnection of the return of refugees to all three countries, and did not even touch on the problem with regard to the Republika Srpska.

35. Mr. KARAÏTIDIS (Observer for Greece) said that 24 years after the Commission had first adopted a resolution on the situation of human rights in Cyprus and notwithstanding all the relevant Security Council resolutions, which Turkey had ignored, 37 per cent of the country remained under Turkish occupation. Nearly 200,000 refugees from the 1974 invasion were still denied the right to return to their homes, which were being illegally given to members of the Turkish army and settlers from mainland Turkey, who numbered over 114,000. Of the 20,000 Greek Cypriots who had initially stayed in the areas occupied by Turkey, only 628 remained. Over 1,600 Greek Cypriots were still missing as a result of the 1974 invasion. The cultural heritage of Cyprus was being systematically and deliberately destroyed.

36. The international community should not merely call on all sides to find a solution, but should demonstrate its determination to ensure that a just and viable settlement based on the international rule of law could be found. One side had accepted Security Council resolutions and the other had not.

37. Ms. EIVAZOVA (Observer for Azerbaijan) said that genocide had repeatedly been perpetrated against the Azerbaijani people since the middle of the nineteenth century, when Armenians had begun pursuing the dream of a "greater Armenia". Thousands of Azerbaijanis had been barbarically killed or driven from their homes, and hundreds of settlements had been destroyed. In 1988, with the blessing of the Armenian authorities, about 200,000 Azerbaijanis had been forcibly deported from their historical homeland in present-day Armenia. About 216 people had been killed during that campaign of "ethnic cleansing". In February 1992, Armenians had massacred the people of the small Azerbaijani town of Khojaly. As a result of the military aggression of Armenia against Azerbaijan, 1 million Azerbaijanis had been expelled from their homes and forced to live in tents. One fifth of the territory of

Azerbaijan was under military occupation, and Armenia was increasing its military presence there, despite repeated appeals for restraint from international bodies.

38. The United Nations had demonstrated its increasing inability to resolve conflicts. Its mechanism for monitoring compliance with United Nations resolutions should be reconsidered. The work of the co-chairmen of the Minsk Group, one of which was the Russian Federation, had in recent times been unsatisfactory. The Russian Federation was militarily cooperating with and arming Armenia, thus posing a serious threat to the peace process and prospects for stability and security in the region.

39. Mr. ZUNIGA (Observer for Nicaragua) said that very recently the highest Spanish court had dismissed proceedings against Fidel Castro.

40. Ms. HERNÁNDEZ QUESADA (Cuba), speaking on a point of order, said the speaker was a member of a Cuban exile group sponsored by the United States. His group had been responsible for terrorist bomb attacks which had resulted in death. He had been given the floor in the name of a servile Government of a banana republic, which had sold out to others' interests. Her delegation would continue to interrupt him, as terrorists should not be allowed to address the Commission.

41. The CHAIRPERSON, reminding the delegations that they should show respect for one another, called the Cuban delegation to order and said the speaker was a duly accredited member of the Nicaraguan delegation and would therefore be allowed to proceed.

42. Mr. ZUNIGA (Observer for Nicaragua) said that very recently the highest Spanish court had dismissed proceedings against Fidel Castro for genocide, crimes and torture committed against the Cuban people during his 40 years in office; it had found that he enjoyed immunity because he was the head of a State with which Spain maintained diplomatic relations. It was truly unfortunate that justice could be done for the 3,000 victims of Pinochet, but not for the 18,000 victims of Castro. The United Nations High Commissioner for Human Rights would soon receive thousands of affidavits filed by relatives of the victims attesting to the crimes, horror and oppression to which Cubans had been subjected under Castro.

43. The Special Rapporteur on Cuba had for seven years been unable to carry out the mandate assigned by the Commission. Surely something was wrong with the human rights mechanisms of the United Nations if a Government could simply and arbitrarily invoke an alleged political "plot" against it in order to avoid honouring its commitments under the Charter. Did the representatives of the Cuban regime think the Commission would believe that human rights were respected in Cuba simply because they said so? Surely they did not believe it would turn a blind eye to the complaints constantly filed, or to the reports on human rights submitted by working groups, the Representative of the Secretary-General, the Special Rapporteur and the International Labour Organization, and the 40 reports issued by the Inter-American Commission on Human Rights. Did they believe that all those bodies and specialists were partial and had all conspired to lie about Cuba for so many years? Was it

possible that Amnesty International, the Inter-American Press Association, Pax Christi International and Americas Watch too were lying? That would indeed make Cuba the victim of the greatest conspiracy of all time.

44. Cuba was the only country in the world which had not held a single celebration for the fiftieth anniversary of the Universal Declaration of Human Rights. Those who, like Mr. Oscar Elías Biscet, had tried to mark the occasion by simply reading aloud the 30 articles of the Universal Declaration in Havana's Butari park had been subjected to brutal beatings and arrested.

45. Since 1998, there had been no Special Rapporteur on Cuba, yet the country's cooperation with the Commission had not advanced at all. If the Cuban Government wanted the truth to be known in the Commission, it could simply open the country up to investigations by the thematic rapporteurs. That would not happen, though. The Cuban authorities remembered full well the working group sent by the Commission 11 years before, which had mentioned in its report (E/CN.4/1989/46) complaints of disappearances, torture and extrajudicial executions, together with repression of basic human rights.

46. The continued application of the death penalty in Cuba was clearly aimed at maintaining the population in a state of terror. According to Amnesty International, at least five people had been executed in 1998 and six more were on death row, including the political prisoner Humberto Real Suárez, whose life could perhaps be saved if the Commission made an appeal for clemency. Other political prisoners, including Jorge Luis García Pérez and Bulmaro Gomez Dias, were held in subhuman conditions and subjected to beatings, and independent journalists such as Raul Rivero and Lorenzo Paez had received threats.

47. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea) said that despite the hopes that United Nations human rights bodies would be less politicized after the end of the cold war, politicization had gone so far as to attempt to change the social systems of some countries. Those States that had developed socio-political systems which were unique had thus been the target of accusations from Western States not because of their deeds, but because of their political systems, while those embracing Western political systems were immune to censure. The purpose was clearly to force countries into accepting Western values and the Western political and economic system.

48. Countries which considered their sovereignty as vital could never accept the imposition of such values through power politics. Politicization, selectivity and double standards were the main obstacles blocking progress in the work of the Commission, which, on the threshold of the twenty-first century, should adopt the objectivity and impartiality required for it to fulfil its mission.

49. Human rights violations of serious concern to the international community were still being committed by a certain regime, which resorted to disgraceful Fascist laws under the pretext of national security. In Western countries, which made summary judgements about the human rights situations in developing countries, there were gross violations of human rights, including racism, xenophobia, discrimination, police brutality and ill-treatment, solitary confinement and deaths in detention, to name a few. Millions of

people were homeless or unemployed and had no access to health care, for which the States concerned had denied any responsibility. Surely that was not the kind of society that all the peoples of the world would have to choose.

50. Governments must guarantee the happiness, safety, rights and freedoms of their peoples. His Government would continue to defend its own style of socialist democracy and to fully guarantee the democratic freedoms and rights of its people.

51. Mr. N'DJEMOTI (International Federation of Human Rights Leagues) called upon the Algerian Government to grant access to the country to special rapporteurs and NGOs. The Government of Bahrain had failed to meet the specific commitments it had undertaken at the most recent session of the Sub-Commission on the Promotion and Protection of Human Rights. Flagrant and massive violations of human rights had taken place in Chad in 1997 and 1998, and the Commission should appoint a special rapporteur on the situation in that country. The fact that systematic human rights violations were taking place in China, where prisoners of conscience were exiled and the Government showed no real desire to improve the situation notwithstanding the country's signing of various international instruments, called for the adoption of a Commission resolution.

52. Some 95 NGOs had called upon the Commission to appoint a Special Rapporteur on the human rights situation in Mexico, where there was apparently little political will to take effective measures and where the judicial branch lacked independence. The Commission should continue to monitor the situation in such places as the Great Lakes region of Africa, Iran and Nigeria, and should strengthen the mandates of the Special Rapporteurs on the Democratic Republic of the Congo and Rwanda.

53. Ms. GRAF (International League for the Rights and Liberation of Peoples) expressed frustration at the situation in Cyprus, where the Turkish Government, by systematically refusing to enter into serious negotiations, was buying time to consolidate demographic changes and to deny the rights of Greek Cypriots and Maronites.

54. The worsening plight of the Kurds in Turkey had been conveniently overshadowed by the events in Kosovo. Since the capture of Abdullah Öcalan, leader of the Kurdistan Workers' Party, the Turkish Government had, under the pretext of anti-terrorist measures, restricted the legal, non-violent channels previously available to the Kurdish people. Some 8,000 Kurds, including 800 children, had disappeared or been arrested, and non-violent demonstrations had been violently repressed by the police. By giving primacy to violence, the Government would only push the Kurdish people to radicalize and respond in kind. The Commission should therefore appoint a rapporteur on the situation in Turkey, and the United Nations should begin a mediation effort to encourage dialogue between the Government and the Kurdish people.

55. Mr. LARSON (Lutheran World Federation), also speaking on behalf of Oxfam, Save the Children UK, the World Christian Life Community, Jesuit Refugee Service and DanChurchAid, expressed concern about the situation of Bhutanese refugees, 90,000 of whom were living in camps in eastern Nepal. Eight years after the refugees had been forced from their homes in southern

Bhutan by the ethnically discriminatory policies of the Government of Bhutan, the Governments of Nepal and Bhutan had held only desultory talks with a view to resolving the crisis bilaterally and had made no substantial progress.

56. The Sub-Commission had expressed its concern about the situation of the refugees and had urged the two Governments to take effective and urgent steps to negotiate their return. It had suggested that they should avail themselves of the technical assistance of OHCHR and UNHCR so as to ensure respect for the principles of international law relating to non-discrimination, the right to return, the right not to be arbitrarily deprived of one's nationality, the reduction of statelessness, and the realization of economic, social and cultural rights. Clearly, the "bilateral process" had faltered. The Governments of Nepal and Bhutan must be urged to ensure that the refugees' rights were respected.

57. Mr. AMATYA (World Federation of Trade Unions), noting that the Constitution and legal framework in Pakistan had created a distinction between citizens, said that the Ahmadiyas were not allowed to practise their faith, which had been declared as non-Muslim. Hindus were called the "last among equals" by the Pakistani media, and Christians had been assigned separate electorates, effectively segregating them.

58. Pakistan had tampered with the accepted institutional and legal structures of secular and pluralistic democracy, and its leaders were devoting all their energies to continuing their hold on power. As a result, Pakistan had become a base for many terrorist groups and had supported the activities of the Taliban, which had given refuge to Osama bin Laden. The French organization, Geopolitical Drug Watch, had reported that the Government of Pakistan and, in particular, the army's Inter-Services Intelligence Agency were continuing to use drug money to finance the work of about 10 fundamentalist organizations operating in Kashmir, Tajikistan and even Chechnya.

59. Ms. SAYEGH (General Arab Women's Federation), referring to the situation of the Iraqi people, said massive human rights violations were continuing because of the sanctions imposed on the country and military strikes by the armed forces of the United States and the United Kingdom. The sanctions imposed by the Security Council had resulted in nine years of disease, hunger and death, violating the principles of human rights, the United Nations Charter and the Geneva Conventions.

60. More than 1.5 million Iraqis, for the most part children, had perished since 1990. Between 5,000 and 6,000 more children died every month. As a former United Nations official had said when resigning from his post in disgust, the sanctions were an immoral and illegal genocidal war against innocent civilians.

61. The Commission and the United Nations as a whole must halt the military aggression against Iraq. Forcible measures taken unilaterally under the pretext of exercising punitive actions were illegal and, in any case, ineffective. They simply created despair, hatred and violence. What was

needed was a civilized, just and constructive dialogue so as to resolve the human tragedy and give Iraqi children the chance to survive, to develop their potential and to hope for a better tomorrow.

62. Mr. KHAN (European Union of Public Relations), noting the lack of attention paid to the human rights situation in Pakistani-held Kashmir, said that fundamental rights in Gilgit and Baltistan were non-existent. The northern parts of Gilgit and Baltistan were not even a part of Pakistan according to the Constitution, yet Pakistani officials and army generals appointed by the Islamabad Government administered it. There was no voting, no freedom of movement, no university and no assembly there. No political activity was permitted, and anyone who called for justice was ruthlessly crushed.

63. The situation in the so-called "Azad Kashmir" where the Pakistan Government had set up a puppet regime, was not much better. An interim constitutional act imposed on the territory in 1974 deprived most people of freedom of expression and assembly and the right to vote and to stand for election, and benefited pro-Pakistani stooges. The Pakistan authorities were deliberately attempting to undermine the Kashmiri nation through a Punjabi cultural and demographic invasion, and had systematically deprived Kashmiri children of their cultural and historical heritage.

64. Mr. RAVENNA (Permanent Assembly for Human Rights) said the report prepared by the Commission for Historical Clarification in Guatemala was a welcome development, as were the recognition of "errors" committed by the United States Government and its apology for supporting Central American dictatorships for so many years. If that apology was to be credible, the United States should immediately ratify the Statute of the International Criminal Court.

65. In Paraguay, those responsible for the recent assassination of the Vice-President and the repression of the Paraguayan people should be punished, and elections should be held without delay and without preconditions. In Kosovo, dialogue should be encouraged, and the autonomy of the Kosovars should be respected. The parties to the conflict in Tibet should enter into direct negotiations without any preconditions, and the embargo against Cuba should be lifted.

66. Impunity was a direct affront to human dignity and the principle of equality under the law. The arrest of General Pinochet, investigations into the activities of Chilean and Argentine security services in the 1970s, and renewed legal proceedings against those in Argentina who had stolen babies born in captivity were welcome developments which, it was to be hoped, would help rid the world of impunity in the next century.

67. Mr. AL-ADHADH (Interfaith International) expressed concern for the Shiite population in Iraq following numerous assassinations and disappearances of religious leaders which had taken place since 1980, the latest being the assassination of Ayatollah Mohammed Sadiq As Sadr on 19 February 1999. The Special Rapporteurs on Iraq and on religious intolerance had documented the persecution of the Shiite population in Iraq. The Iraqi regime had refused to

cooperate with the Special Rapporteur on Iraq and rejected the monitoring efforts of the General Assembly and the Commission. It had also continued its policy of destroying ancient Shiite religious sites.

68. Because of their irreplaceable contribution to mankind, the assassination of spiritual and religious leaders was considered by the international community as a crime against humanity. In its resolution on Iraq, the Commission should call for a thorough investigation and should send the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on religious intolerance to investigate the situation and report their findings.

69. Mr. KAREHAM (International Association against Torture), speaking also on behalf of the December Twelfth Movement International Secretariat, said that within the United States the human rights of indigenous peoples, blacks, Latinos and Asians were violated systematically and on a daily basis. The United States had not ratified the International Covenant on Economic, Social and Cultural Rights, and had only ratified the International Covenant on Civil and Political Rights in 1992, with so many reservations that one member of the Human Rights Committee had stated "You have signed with one hand and erased the signature with the other". The Government maintained that the Constitution took precedence over ratified international treaties, despite constitutional provisions to the contrary.

70. In 1994 and 1997, the Clinton Administration had given little attention to the visits of the Special Rapporteurs on racism and extrajudicial, summary or arbitrary executions, and had still not submitted initial reports to the Committee against Torture and the Committee on the Elimination of Racial Discrimination, four years after they had fallen due. The bombings of Sudan and Afghanistan had been callous "pre-emptive" strikes which had violated Article 51 of the Charter. The continued sanctions against Iraq were taking a tremendous toll among Iraqi civilians, and particularly children. The United States had cynically used United Nations bodies to illegally gather intelligence in Iraq. It had also maintained its blockade of Cuba, which violated that country's right to development and self-determination.

71. The South Korean Government had, in 1998, declared an amnesty for prisoners held since the Korean War, but had failed to repatriate them to the north. It had also failed to abolish the National Security Act and the Security Observation Act, both of which were relics of the cold war. In Sri Lanka the Government had continued to wage war against the Tamil people, had failed to repeal the Prevention of Terrorism Act, had continued to detain political prisoners and had maintained press censorship. The Commission should appoint a country rapporteur for Sri Lanka.

72. It was heartening to note that after many years, some well-known NGOs had joined in denouncing human rights violations by the United States. That could only serve the ideal of a single standard for human rights evaluation. The Commission should appoint a country rapporteur for the United States, which had consistently shown that it would violate any human right, as well as international or domestic law, to protect its national interests.

73. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said the neoliberal economic system, with its unfair distribution of wealth, lack of agrarian reform and inequitable access to natural resources, had had serious consequences for rural populations throughout the world. Their basic nutritional needs were not being met, yet doing so would cost only the equivalent of the annual perfume consumption of the Western world.

74. The concentration of land ownership and land expropriation were serious problems. In Paraguay, just 5,000 landowners accounted for 82 per cent of the total land area. In Brazil, Sierra Leone and Algeria, assassinations, mutilation and massacres were perpetrated to prevent farmers from working their land. In Egypt, rich families were acquiring an increasing amount of land as the poor were reduced to survival strategies. And in Europe, the liberalizing reform of the Common Agricultural Policy had increased unemployment and made the situation of some farmers even more precarious. In India, Christians and Dalits in Madyapradesh, Gujarath, Orissa and Binar had fallen victim to massacres and threats. The lower castes in some parts of the country were denied access to arable land, drinking water, education and health, and government social programmes simply did not reach them.

75. Impunity was the main reason for human rights abuses, and Governments had the responsibility to carry out exhaustive investigations, to identify the perpetrators and bring them to justice, and to provide compensation to the victims.

76. Ms. RUBICHON NEVEU (Asian Buddhist Conference for Peace) said the international community had its share of responsibility for the genocide, sterilization and bloody repression carried out by the Indonesian army in East Timor in the past 24 years. That had resulted in the decimation of 40 per cent of the population, as the international community had not been sufficiently firm in taking preventive action. The Indonesian authorities had ignobly but carefully eased the irreversible path of history. In an attempt to prove that they alone could ensure stability, they had armed civilians and loyalist groups which engaged in intimidation, repression, killings and other human rights violations. Apart from endangering lives, they were also compromising the consultation process. The people of East Timor, who had for years borne the brunt of oppression with little support from the outside world, demanded that the international community prevail upon the Government in Jakarta to disband the recently formed militias. Failing that, they would no doubt be forced to react, and the world would be faced with yet another bloodbath. Peacekeeping forces should be sent to East Timor to enforce the disarmament of all parties.

77. In India, soldiers were massacring innocent civilians in Assam, Nagaland, Manipur and Tripura, and in Bangladesh the conflict in the Chittagong Hill Tracts appeared to be insoluble.

78. Ms. REINARS (Nord-Sud XXI) said that she had been freed from Khiam prison on 2 September 1998 after 10 years in captivity, including six in solitary confinement. Since 1978, Israel had constantly invaded Lebanon in an attempt to occupy ever more territory, massacring men, women and children as at Sabra, Shatila and Qana, and using weapons forbidden by the international community. The Israeli military coerced the population in the south and the

western Bekaa valley to collaborate or leave their homes, and forcibly enrolled children as young as 14 in the army of their lackey, Antoine Lahd.

79. Detainees in Khiam prison could be held for years without ever being brought before a court. Some were just 15 years old, others were mothers who had been separated from their children. One detainee, Souleiman Ramadhan, had been held for 14 years and had had a gangrenous leg amputated. Among the prisoners held in Israeli prisons after being sentenced by kangaroo courts were some who had been in detention for 20 years. Others had been held since the age of 15 or had remained in prison for up to seven years after finishing their sentences. The Commission should condemn the Israeli occupation and demand that Israel withdraw its forces from Lebanon in accordance with Security Council resolution 425 (1978). It should call for the closure of Khiam prison, the existence of which was a violation of international law, demand the immediate release of all Lebanese detainees held there and in Israeli prisons, and condemn the decision handed down by the Israeli Supreme Court on 5 March 1998, which attempted to legitimize the detention of Lebanese citizens in Israel with a view to using them as bargaining chips in prisoner exchanges.

80. Ms. NEURY (Centre Europe-Tiers Monde) said that for 10 years her organization had been denouncing serious human rights violations in Turkey, and especially those related to the Kurdish question. Various United Nations treaty bodies, numerous special rapporteurs, the European Union, the Council of Europe, the Italian Parliament and many NGOs and human rights groups in Europe and Turkey had condemned the serious and massive human rights violations committed by the Turkish Government, army and paramilitaries, which included extrajudiciary and arbitrary executions, forced and involuntary disappearances, mass and arbitrary arrests and torture.

81. As the Italian Parliament and other bodies had done, the Commission should shoulder its responsibility and call for a political solution to the Kurdish question. After calling for a moment of silent reflection, she quoted Dostoyevsky, who had said that "Each of us is responsible for everything before all mankind".

82. Mr. QUERESHI (Afro-Asian People's Solidarity Organization) said that for years Pakistan had been ruled under one guise or another by the military. The country had no pluralist democracy with respect for the distinct identity of minorities. Though much attention had been paid to religious discrimination and persecution, it was perhaps less known that some Sunni Muslims too had been treated as inferiors by the Punjabi elite. The Seraiki people, who were linguistically and culturally distinct from the Punjabis, had suffered from discrimination, as had the Mohajirs, the Sindhis and the Baloch. Every effort had been made to demolish the identities of such minorities. The Government had kept census figures secret for years in order to quell any minority claims for rights.

83. The Seraikis had the misfortune of living in the Punjab, among the Punjabi majority. Any attempt to defend their ethos, language and aspirations was thus perceived as a direct threat, although recognition of their rights would only make Pakistan a stronger federal State. The international community should urge Pakistan to grant autonomy and full rights to minorities and respect their linguistic and ethnic identities.

The meeting rose at 8.55 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 April 1999, at 10 a.m.

Chairman: Ms. ANDERSON (Ireland)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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GE.99-11955 (E)

The meeting was called to order at 10 a.m.

STATEMENT BY THE SECRETARY-GENERAL

1. Mr. ANNAN (Secretary-General of the United Nations), commending the work of the Commission on Human Rights in combating human rights violations and establishing norms to protect those rights, said that he had made human rights a priority in every programme and mission undertaken by the United Nations. Human rights lay at the core of the Organization's sacred bond with the peoples of the United Nations. When civilians were attacked and massacred because of their ethnicity, as in Kosovo; when men, women and children were assaulted and mutilated, as in Sierra Leone; when women and girls were denied the right to equality, as in Afghanistan, the world looked to the United Nations to take a stand.

2. Perhaps more than any other aspect of its work, the struggle for human rights resonated with the Organization's global constituency, and was deeply relevant to the lives of those most in need - the tortured, the oppressed, the silenced, the victims of "ethnic cleansing" and injustice. If in the face of such abuses the United Nations did not speak up and speak out, how would it answer that global constituency? It could not say that rights were relative, or that whatever happened inside a country's borders did not concern an organization of sovereign States. At the end of the twentieth century, one thing was clear: the United Nations could not claim to be what it was unless it set itself up as a staunch defender of human rights.

3. At the dawn of a new millennium, it was clear that the Organization's human rights mission began and ended with individuals and their universal and inalienable rights, namely the right to speak, act, grow, learn and live according to individual conscience. It was also clear that the Organization's mission was a work in progress. For every right proclaimed, hundreds of abuses were committed. For every voice whose freedom was secured, many more were threatened. For every woman or girl whose right to equality was upheld, thousands more suffered from discrimination and violence. For every child whose right to education and a peaceful childhood were protected, too many remained beyond the Organization's reach.

4. The Commission on Human Rights could claim with pride to have been the architect of the existing international human rights structure. It was the Commission which had hammered out the Universal Declaration of Human Rights and the binding treaties which, taken together, had created an international code of human rights. Whether it was the struggle for gender equality and the rights of women, the elimination of racial discrimination, or protection of the rights of minorities and indigenous peoples, the Commission had been a pioneer in establishing norms and promoting justice. In the vital work of implementation, it had made a significant contribution to promoting economic, social and cultural rights, and its work on the right to development had opened up new horizons. Recognizing that human rights were interrelated, indivisible and interdependent, the Commission had ensured that the implementation of social and economic rights had gone hand in hand with political and civil rights. Through technical cooperation for human rights at the local, national and regional levels, the Commission had helped to introduce human rights where they were most needed, in the lives of the

weakest and most vulnerable. In the important work of implementing the Convention on the Rights of the Child, the tenth anniversary of which would be commemorated in 1999, it had reaffirmed the principle that human rights began at birth.

5. And yet gross and shocking violations of human rights continued to be committed daily around the world: they offended the world's conscience, outraged persons of goodwill, and undermined the deepest sense of a shared humanity. If the United Nations could not respond to such acts or step in where suffering was greatest, then the foundations which had been laid elsewhere would crumble beneath the weight of those violations. The Commission on Human Rights had long recognized that reality. On joining the United Nations, developing countries in particular had sought to enhance the Organization's capacity to respond to gross violations of human rights. Since then, a vast array of working groups, special rapporteurs, representatives, envoys and experts on human rights had travelled the world over, planting the flag of human rights, extending the reach of the Commission, and offering victims hope for a better, freer and less repressive future.

6. The achievements of the last 50 years were rooted in the universal acceptance of the rights enumerated in the Universal Declaration and in the equally universal abhorrence of practices for which there could be no excuse in any culture under any circumstances, for example torture, "ethnic cleansing", slavery or racial, sexual or religious discrimination. In an age of human rights, the United Nations must have the courage to recognize that, just as there were common aims, there were also common enemies. No one should be left in any doubt that for the mass murderers, the ethnic cleansers and those guilty of gross and shocking violations of human rights, impunity was unacceptable. The United Nations would never be a refuge for them, and its Charter would never be a source of comfort or justification. They were enemies, regardless of their race, religion or nation, and only their defeat would redeem the promise which the United Nations embodied.

7. At the current session, he had chosen to dwell not only on common aims and shared accomplishments, but also on the magnitude of the human rights abuses which the Organization was committed to ending. The current session of the Commission on Human Rights, the last of the twentieth century, was taking place under the dark cloud of genocide. Of all gross violations, genocide knew of no parallel in human history. The tragic irony of the age of human rights, in which greater numbers were enjoying human rights than ever before in history, was that it had been repeatedly darkened by outbursts of indiscriminate violence and organized mass killings. In Cambodia in the 1970s up to 2 million people had been killed by Pol Pot's regime. And in the current decade, in Bosnia and Herzegovina, thousands upon thousands of human beings had been massacred for belonging to the wrong ethnic group. Although there were no independent observers on the ground, there were signs that the same thing was happening in Kosovo. The odious campaign of ethnic cleansing conducted by the Serbian authorities in Kosovo appeared to have just one aim: to expel from Kosovo or kill as many ethnic Albanians as possible, thereby denying a people their most basic rights to life, liberty and security. The result had been a humanitarian disaster throughout the region. It was deeply

regrettable that the international community, despite months of diplomatic efforts, had failed to prevent the disaster. However, the universal sense of outrage that had been provoked was a hopeful sign.

8. Slowly but surely, an international consensus was growing against the violent repression of minorities. That norm must take absolute precedence over concerns of sovereignty. It was a principle that protected minorities, and majorities too, from gross violations. The point should be made absolutely clear: even though the United Nations was an organization of Member States, the rights and ideals which it existed to protect were those of peoples. The Organization would always strive to place the human being at the centre of its activities. No Government had the right to hide behind national sovereignty in order to violate the rights or fundamental freedoms of its people. The human rights and fundamental freedoms of every person were sacred.

9. The evolving international norm would pose fundamental challenges to the United Nations to which it would have to respond, if it was not to betray the very ideals that had inspired its foundation. That hope for humanity had perhaps come too late for the desperate thousands who had been forcibly expelled from their homes in Kosovo, and for the hundreds if not thousands who had been murdered simply because of their identity. But it would not come too late for the United Nations if it emboldened the Organization to enter a new century with a renewed commitment to protecting the rights of every man, woman and child, regardless of their ethnic, national or religious origin.

STATEMENT BY MR. ALI MOHAMMED OTHMAN YASSIN, MINISTER OF JUSTICE AND ATTORNEY-GENERAL OF THE SUDAN

10. Mr. YASSIN (Sudan) said his Government believed that the promotion and protection of human rights would be better served through cooperation, constructive dialogue, and recognition of the universality and indivisibility of human rights within the framework of respect for different cultures, without politicization. Furthermore, all categories of rights should be given equal attention. The Sudan hoped that reform of the human rights protection mechanisms would enhance the Commission's effectiveness in realizing its objectives within the framework of those principles.

11. His Government attached considerable importance to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, due to be held in 2001, and called for adequate arrangements to ensure its success, particularly the provision of adequate financial resources for the preparatory process. Considerable attention should also be devoted to realizing the right to development; it was unfortunate that coercive unilateral measures had deprived certain developing countries of that right. The destruction of the Shifa pharmaceutical factory in Khartoum was a flagrant example of the way in which the legitimate right to development and the health of a least developed country had been denied, with total disregard for international law and human rights principles.

12. Since the previous session of the Commission, a number of positive developments had occurred in the Sudan in the constitutional, political, legal and economic fields. Those achievements would definitely contribute to the

democratization and enhancement of the human rights situation in the country. The Constitution and its Bill of Rights, which conformed to international human rights instruments, had come into force in July 1998. A Constitutional Court had also been established to oversee its implementation. Aggrieved individuals could apply directly to the Court to challenge State actions which violated the Bill of Rights. In addition, a number of political parties could now engage freely in political activities under the Political Association Act of 1999, and all political detainees had been released. Freedom of expression and opinion was protected, and a considerable number of privately owned newspapers were now published in the country. Preparations were also being made for elections to State legislative councils, to be followed by general elections to the National Federal Assembly. A thorough review and scrutiny of all existing legislation was being conducted to ensure that it complied with the provisions of the Constitution.

13. Under the Constitution and the Khartoum Peace Agreement of April 1997 signed with seven of the southern rebel factions, and the agreement signed with the Nuba Mountains rebels, the Government was obliged to create the necessary conditions to promote local cultures and the languages and creeds of indigenous communities. The Constitution also guaranteed equitable power-sharing between the federal government and the state governments, which already exercised a degree of autonomy in the political, economic and social fields. Moreover, it was hoped that the revenue from Sudanese oil exports, which were scheduled to begin in July 1999, would help to improve essential public services and establish lasting peace.

14. Only peace would enable the Sudanese people to exercise their rights fully, be it their political rights or their right to development. The Government had made remarkable efforts in that field, resulting, for example, in the Khartoum Peace Agreement, which recognized the right to self-determination of the peoples of southern Sudan. Negotiations were also continuing with the remaining rebel faction, the Sudanese People's Liberation Army (SPLA), in the unremitting effort to reach a peace settlement. The Sudanese Government had always cooperated with the international community and had always been willing to accept ceasefires for humanitarian reasons. A comprehensive ceasefire had been declared in all operation zones in southern Sudan on 5 April 1999. It would come into force on 15 April following the expiry of the current partial ceasefire which had been declared earlier. The international community should exert pressure on the rebel movement to accept the comprehensive ceasefire with a view to making it permanent.

15. The Sudanese Government deplored the irresponsible attitude of the rebels who, in violation of universally recognized humanitarian norms, had recently abducted and executed four Sudanese nationals working for the International Committee of the Red Cross (ICRC). The international community should not remain silent when faced with such an odious crime; it should condemn such acts in the strongest possible terms and take the necessary measures to prevent further atrocities by the rebel group concerned. Efforts should also be made to ensure that humanitarian assistance to the needy civilian population in the war-stricken areas was not disrupted. It was regrettable that the leader of the group responsible had been permitted to attempt to address the Commission under cover of a non-governmental organization (NGO), Christian Solidarity International (CSI). CSI should be

roundly condemned for endorsing that irresponsible and immoral act, and also for falsely accusing the Sudan of practising slavery. In fact, CSI was implicated in the abduction of children in the rebel-controlled zones, exploiting the practice in order to tarnish the reputation of the Sudan and its Government, and criminal proceedings had therefore been brought against the NGO.

16. His delegation hoped that the international community, through the Commission on Human Rights, would finally acknowledge the tremendous reforms undertaken by the Sudan and would encourage it to continue along the path of democratization and respect for human rights and fundamental freedoms.

STATEMENT BY MR. AZEDDINE LARAKI, SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

17. Mr. LARAKI (Organization of the Islamic Conference) said that the Organization of the Islamic Conference (OIC) had long ago warned of the seriousness of the situation in Kosovo and the victimization of the Kosovars. It had also denounced the genocide being practised by Serbian forces against Muslims in Kosovo and had requested international protection for them.

18. Blatantly ignoring attempts to resolve the conflict, the Serbian Government had obstinately pressed ahead with its policy of ethnic cleansing, thereby provoking a humanitarian tragedy and a serious military escalation with completely unpredictable consequences for the inhabitants of Kosovo and their fundamental rights.

19. While the objective of military intervention was to put a stop to the despicable racist policy of the Serbian forces, the international community should also make every effort to prevent the expulsion of Kosovo Muslims and ensure that offers by various States to host them were not exploited by the Serbian regime to empty that corner of Europe of its Muslim inhabitants and prevent them from returning home. The international community needed to mobilize in order to fight racism and injustice and secure the victory of the rule of law throughout Europe at the dawn of the twenty-first century.

STATEMENT BY MR. SARTAJ AZIZ, MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

20. Mr. AZIZ (Pakistan) said that the world currently faced two crises: an economic crisis arising from the financial collapse in East Asia, and a political crisis manifested in conflicts and wars around the world. The economic crisis had not only led to an economic downturn but had also resulted in a massive deterioration in living standards for millions of people. An accentuation of inequality between rich and poor, within and among nations, had been observed over the years. To overcome the world economic crisis, it was important to revive growth. But such growth should be equitable, and it was also necessary to promote "globalization with a human face". The Commission on Human Rights could play a significant role by making the right to development a reality and giving it priority in its work.

21. The impact of military, political and humanitarian crises in a globalized world was more severe and more widespread. As the High Commissioner for Human Rights had correctly observed, the most serious

human rights violations occurred during armed conflicts. In Kosovo, the intensification of ethnic cleansing had resulted in the uprooting and expulsion of 600,000 ethnic Albanians, in addition to the 200,000 who had been displaced earlier inside the province. It was regrettable that the Security Council had been unable to respond to the grave political crisis in Kosovo and the resulting massive human tragedy. It was to be hoped that other organs of the United Nations, in particular the Commission, would be able to respond to the Kosovo crisis with courage and clarity. To that end, Pakistan would introduce a draft resolution on behalf of the States members of the OIC regarding the situation of human rights in Kosovo (E/CN.4/1999/L.3), which it hoped would be adopted by the Commission given that the unfolding tragedy in the region required urgent action.

22. First and foremost, it was important to avoid all legal or political confusion. The bombing by the North Atlantic Treaty Organization (NATO) had perhaps precipitated the ethnic cleansing, but the cleansing had been planned well in advance and would have occurred in any case. The root cause of the Kosovo crisis was the systematic repression by Belgrade of the fundamental rights of the people of Kosovo.

23. Second, concerted international action was needed to ensure the provision of relief to the Kosovo refugees and displaced persons. Neighbouring countries required urgent and adequate international support to cope with the massive influx of refugees into their territory. Pakistan had sent relief supplies to Tirana and would continue to do so within its modest means.

24. Third, the international community must plan for the early return of Kosovo refugees to their homes in conditions of safety and dignity. Pakistan was also prepared to contribute in a tangible way to that process.

25. Fourth, the international community should find a viable political solution for Kosovo which would enable the Kosovars to determine their own destiny. The Foreign Ministers of the OIC contact group, in cooperation with the members of the international contact group, NATO members, the Russian Federation, and the Kosovo political leadership, would strive to develop a concerted programme to find just, peaceful and lasting solutions to the conflict.

26. Regarding the conflict in Jammu and Kashmir, Security Council resolution 47 (1948) had prescribed the exercise of self-determination by the Kashmiri people through a plebiscite. The resolution, which had been adopted 50 years previously, had never been implemented. Nevertheless, that right did exist and the Kashmiri people had continued to struggle for it with the moral, political and diplomatic support of Pakistan and in spite of the brutally repressive yet unsuccessful measures taken by the Indian armed forces. The human rights violations in Indian-occupied Jammu and Kashmir had been amply documented and were universally acknowledged. The Pakistani Prime Minister had displayed political courage in initiating a political dialogue with India. That dialogue had resulted in the Lahore Declaration of 23 February 1999, in accordance with which the Prime Ministers of the two countries had agreed to intensify efforts to settle their differences as quickly as possible. It was clear, however, that relations between the two countries could not be

normalized on a lasting basis until a just and peaceful solution had been found to the conflict in Jammu and Kashmir, in accordance with Security Council resolutions.

27. India could not talk peace with Pakistan while waging war against the Kashmiri people. The Pakistani Government therefore urged India to end the grave and systematic human rights violations which were continuing to take place in Jammu and Kashmir. It hoped that India would agree to a number of specific confidence-building measures such as the reinforcement of the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the deployment of impartial human rights monitors in Jammu and Kashmir, an agreement to allow the presence of international human rights organizations in Kashmir, the development of ICRC humanitarian assistance in Kashmir, discontinuation of military incursions into Kashmiri towns and villages, and the gradual reduction of the Indian armed forces deployed in Indian-occupied Kashmir.

28. His delegation hoped that the international community, especially the Commission on Human Rights and the High Commissioner for Human Rights, would support the implementation of measures to increase the likelihood that dialogue between Pakistan and India would have a successful outcome.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/1999/7, 25-27, 32-38, 40-43, 107, 117, 119, 121, 125-127, and 129-139; E/CN.4/1999/NGO/3, 11, 12, 16-20, 28 and 61; S/1998/581, A/52/539, A/53/402 and 490)

29. Mr. QIAO Zonghuai (China) said that the Chinese people had profoundly changed their destiny in the course of the twentieth century. Until 1949, China had been under the yoke of foreign powers which had imposed unequal treaties, plundered resources and trampled on the rights and dignity of the Chinese people. When the People's Republic of China had been founded, the Chinese population had stood at approximately 500 million, 400 million of them starving. The population of China was now 1.3 billion, and their basic needs were on the whole satisfied. In recent decades the Chinese authorities had also made significant efforts in the field of human rights.

30. China had experienced an extraordinary year in 1998. Externally, the Government and the people had together confronted the Asian financial crisis; domestically, the country had experienced extremely severe flooding. The national economy had grown at 7.8 per cent and living standards and enjoyment of economic, social and cultural rights had improved remarkably. Considerable progress had also been made in safeguarding civil and political rights and strengthening democracy. A recent amendment to the Constitution stipulated that the People's Republic of China was building a socialist State founded on the rule of law. A number of laws concerning the people's fundamental rights had been revised with a view to strengthening democratic participation by citizens. Steps had also been taken to strengthen the mechanisms for implementing the law and improving the protection of civil rights by ensuring enhanced administration of justice. In September 1998, China had received

Mrs. Robinson, United Nations High Commissioner for Human Rights, and the two sides had reached agreement in principle on future cooperation. An expert team had recently been sent to China by the High Commissioner to make an assessment of cooperation needs. The Chinese Government had signed the two International Human Rights Covenants, sponsored a range of activities to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights, and embarked on a dialogue with a number of Western countries.

31. While recognizing the universality of human rights, China believed that the realization of those rights must depend on the conditions specific to each country. Culture and traditions dating back thousands of years had a significant bearing on modern Chinese society. Like many developing or recently independent countries, China attached great importance to its independence and stability. Owing to different national circumstances, it was normal for countries to hold differing views on human rights. Such a stance should not, however, be an obstacle to dialogue based on equality and mutual respect. The Chinese Government had noted with appreciation that the European Union had decided, for the second time, not to introduce a draft resolution on the situation in China at the current session of the Commission, yet it was deeply regrettable that the Government of the United States had announced that it would not follow suit owing to a "sharp deterioration in China's human rights record". The United States had attacked the Chinese authorities for prosecuting a number of criminals. However, those persons had been prosecuted for endangering State security, not for exercising their freedom of expression or association, and they had received a fair trial. In accordance with the two Covenants, enjoyment of rights could be restricted to safeguard State security or public order, and in all countries, including the United States, criminals were punished for endangering State security. The decision of the United States delegation to introduce a draft resolution condemning China had not been prompted by a genuine desire to protect human rights in China, but rather by domestic political considerations. To take action on such a resolution would defile the noble cause of human rights and damage the credibility of the Commission. Instead of pointing the finger at others, the United States would be well advised to put its own house in order.

32. Mr. AMAT FORÉS (Cuba), recalling that the Commission had rejected the draft resolution on the human rights situation in Cuba introduced by the United States at the previous session, said his delegation had hoped that the current session would proceed in a spirit of dialogue, cooperation and mutual understanding. But unfortunately, while continuing its attempts to strangle the Cuban economy, the United States had not abandoned its political vendetta Since it lacked the courage to assume responsibility for its actions, the United States had instructed the Czech Republic, seconded by Poland, to introduce a new draft resolution on Cuba, seeking to give the impression that other countries wanted the Commission to monitor the human rights situation in the country. However, it was no secret that the draft resolution had been concocted several weeks previously in Washington. Ever since the fifty-third session of the General Assembly and the previous session of the Economic and Social Council, the United States had been on the lookout for a compliant agent to execute its plan. Having been rebuffed several times, it had eventually prevailed upon countries indebted to the United States to act as accomplices in exchange for certain favours.

33. As a pretext to reopen the debate about human rights in Cuba, reference had been made to the recent adoption by the Cuban Parliament of the Protection of Independence and the National Economy Act and the trial of four Cubans in the pay of a foreign Government. The Act in question had cracked down on offences relating to collaboration with the enemy, not on alleged offences relating to personal opinions. It not only protected Cuba's sovereignty and the rights of Cubans, but also the citizens of other countries affected by the sanctions which the United States had imposed as part of its embargo against Cuba. A number of States, for example Canada, Mexico, Argentina and certain member States of the European Union, had also been compelled to take steps to protect their sovereignty and independence after the United States Congress had adopted certain decisions with extraterritorial scope. The Act adopted recently by the Cuban Parliament was a response to the aggressive measures taken against Cuba by the United States, particularly the 1992 Torricelli amendment and the 1996 Helms-Burton Act. The four persons who had recently been tried in Cuba had been sentenced to between three and a half and five years' imprisonment. In the United States, persons found guilty of infringing the blockade were liable to a custodia, sentence of up to 10 years' imprisonment or a fine of $250,000.

34. The introduction of a new draft resolution against Cuba, even one that was moderate in tone, would restart a spiral of confrontation and politicization, which in turn would damage the Commission's credibility. The draft resolution highlighted the fact that the Commission's work was vitiated by double standards and selectivity. There was no contradiction between Cuba's policy and the work of the United Nations in the field of human rights; the true contradiction was the one between the Organization and those who wished, like the United States, to transform the Commission into a compliant instrument of their foreign policy.

35. Cuba had built a participatory and collectivist society in which social justice prevailed. Its press was not beholden to petty-minded interests. There was but one party in the country, not an electioneering or divisive force but the embodiment of a single social project. Cubans respected the political systems of other countries and asked only that the same courtesy should be extended to them.

36. Ms. SUTOYO (Indonesia) said that it was unfortunate that, in the past, rhetoric and antagonism had won the day over dialogue and understanding. His delegation hoped that the Commission would henceforth consider the human rights situation in every country objectively, and that it would take account of the significant progress achieved by States as well as the difficulties faced by developing countries. The legitimate concern of the international community regarding the protection of human rights should be expressed in the context of international cooperation, which was one of the principles enshrined in the Charter of the United Nations.

37. Indonesia was undergoing a process of unprecedented reform in the political, economic, social and legal sectors. Human rights promotion lay at the core of those reforms. Freedom of expression and freedom to demonstrate, the release of political prisoners, the emergence of some 50 new political parties, and the ever-growing number of NGOs had become a reality in Indonesia. In line with the recommendations of the Vienna Declaration and

Programme of Action, on 25 June 1998 President Habibie had officially launched the National Plan of Action on Human Rights for the period from 1998 to 2003, which would be implemented by a National Committee on Human Rights consisting of senior Government officials and representatives of civil society. The national plan was based on four principles: the ratification of international human rights instruments; awareness-raising and education in the field of human rights; priority protection of basic rights, particularly those of vulnerable groups; and implementation of the international human rights instruments which had already been ratified. The Government had also formed a team of legal experts, in cooperation with the House of Representatives, to review all national laws and regulations with a view to ensuring that they were consistent with international human rights standards. Having ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998, Indonesia was currently preparing to ratify other international human rights instruments including the two Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Labour Organization (ILO) Convention (No. 105) concerning the Abolition of Forced Labour, the ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation and ILO Convention (No. 138) concerning Minimum Age for Admission to Employment, and the Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

38. The Indonesian Government had given top priority to resolving the conflict in East Timor. An autonomy plan for East Timor was being negotiated within the framework of a tripartite dialogue, and would be put to a direct vote of the East Timorese in July. On 27 January 1999 the Indonesian Government had announced that should the autonomy offer be rejected, it would request the new People's Consultative Assembly to consider the separation of East Timor from the Republic of Indonesia. His delegation therefore urged Portugal to adopt a positive approach.

39. The economic crises and the political changes had had an impact on social behaviour. The Indonesian Government was making every effort to address the root causes and prevent the recurrence of human rights violations. In addition, the Government was committed to continuing its cooperation with the Commission's mechanisms and international NGOs, as evidenced by the visit to Indonesia of an Amnesty International delegation in September 1998 and a delegation from the International Commission of Jurists at the end of March 1999.

40. Mr. MAZA (Service, Peace and Justice in Latin America) said that the situation of impunity which continued to prevail in Mexico was of grave concern. A number of United Nations bodies and the Inter-American Commission on Human Rights had reported a serious deterioration of the human rights situation in Mexico. In its resolution 1998/4, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had requested the Mexican authorities to give high priority to combating impunity among perpetrators of serious human rights violations, especially those who had victimized large numbers of indigenous people, and called on the signatories of the San Andrés Agreements to relaunch a process of dialogue. In addition, the lack of independence of the malfunctioning Mexican judiciary had

endangered the rule of law; trials were compromised by serious irregularities. Although a national human rights institution did exist, it was ineffective because it was not independent of the executive, its investigative methods left much to be desired and it failed to check whether its recommendations had been effectively implemented. Furthermore, the war on drug trafficking, the counter-insurgency measures and the policing activities of the armed forces had led to serious violations (arbitrary arrests, forced disappearances, torture and extrajudicial executions).

41. In view of the situation, 96 Mexican NGOs and 26 international NGOs requested the Commission to urge Mexico to take steps to combat human rights violations, for example by reforming the justice system, strengthening Government mechanisms to protect human rights, and organizing a prompt visit by the High Commissioner for Human Rights with a view to making an assessment of the situation. The NGOs also requested the High Commissioner to examine the human rights situation in Mexico in the light of the information available to various United Nations bodies; to urge the Mexican Government to issue invitations to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances; and to appoint a special rapporteur on the situation in Mexico. Since the Mexican Government had already issued invitations to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the High Commissioner for Human Rights, the Commission should press the Mexican Government to arrange dates for their visits during the current session.

42. Mr. FAYEK (Arab Organization for Human Rights) said that since the previous session of the Commission, Arab countries had recorded a number of positive developments in the field of human rights. In Egypt, the number of terrorist acts had decreased significantly and the Government had released over 2,000 Islamic detainees. In Morocco, the Government had started a procedure to clarify the fate of disappeared persons and review the status of political prisoners. In Lebanon, the new Government had promised to uphold basic freedoms and had cancelled an arbitrary decision to ban peaceful marches. In Qatar, the authorities had announced a programme of political reform including municipal elections in which women had participated for the first time.

43. Unfortunately, a long list of human rights violations remained. The Palestinian people were still deprived of their inalienable rights. In that connection, the General Assembly's decision to hold a conference in July 1999 for all parties to the Geneva Convention with a view to applying the fourth Geneva Convention to the occupied Palestinian territories should be welcomed. In Iraq, tens of thousands of innocent victims, mostly children, had continued to suffer as a result of international sanctions, and the acute situation had been aggravated by the military strikes against the country in December 1998. A lack of political will by the Somali leadership had prevented the implementation of the peace agreement signed in Cairo at the beginning of 1998; fighting had continued and increasing numbers of civilians had been killed. In the Sudan, despite the adoption of a new Constitution, nothing had been done to normalize political life; political pluralism had been replaced by a complex procedure for registering political parties and no solution had

been found to the conflict in the south of the country. In Algeria, thousands had fallen victim to violence and terrorism; it was to be hoped that the leadership due to be elected in April would start a constructive dialogue with all political forces in order to put an end to the tragedy which had engulfed the country.

44. Away from areas of chronic crisis, human rights violations had been committed in a number of Arab countries. People had been arrested, injured or murdered during the repression of demonstrations in Iraq, the Sudan, Jordan, Saudi Arabia, Yemen and Bahrain. Prisoners had died following mistreatment in Egypt, Algeria, Iraq and Bahrain. Thousands of people had gone missing in Algeria, Iraq and Lebanon. Dozens of people had gone missing in Egypt, the Sudan and the Libyan Arab Jamahiriya. In a number of countries, human rights organizations had been singled out for criticism and human rights activists had been arrested. The Arab Organization for Human Rights hoped that the Commission would contribute to lifting the sanctions against Iraq and adopt a programme to implement the Declaration on Human Rights Defenders.

45. Mr. DJAMIN (Netherlands Organization for International Development Cooperation (NOVIB)) said that the ongoing transition in Indonesia had not taken place without violence and human rights violations. Since early 1998, the army had arbitrarily detained thousands of supporters of the Indonesian Democratic Party (PDI) in an attempt to ensure the re-election of President Suharto. Activists had been abducted, tortured and secretly detained. The fate of 14 of them was still unknown. The political violence had continued with the bloody repression of peaceful demonstrations by students. The murder of four students in mid-May had directly or indirectly triggered the tragic riots in Djakarta during which at least 1,190 people had been burned to death, 27 people had been shot by the security forces, and 91 had been injured. Ethnic Chinese women had been gang-raped. To date, no serious measures had been taken to punish those responsible.

46. The accession to power of President Habibie had not brought about any meaningful change in the human rights situation in Indonesia. On the contrary, the security forces had continued to suppress the students' political aspirations as brutally as before. Some 19 people had been killed and hundreds had been injured in Djakarta the previous November. Furthermore, the new regime had systematically mobilized civilians to confront student demonstrations, thereby pitting one section of the population against another. The Habibie regime had been in place for less than a year, and almost continuous rioting had destroyed people's property and places of worship. Hundreds of lives had been lost all over the archipelago. The State was strongly implicated in the disturbances at Aceh, Kerawang and Ambon, and also in the mysterious serial murders in Banyuwangi.

47. To encourage respect for human rights in Indonesia, United Nations human rights bodies and procedures should keep themselves abreast of those developments and the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extra-judicial, summary or arbitrary executions should visit Indonesia.

48. Mr. HENDARDI (Agir ensemble pour les droits de l'homme) said that, unfortunately, violence had continued to occur in Indonesia despite the

repeated commitment made by President Habibie and the chief of the armed forces, General Wiranto, to democracy and respect for human rights. The lack of political will to prosecute the former dictator Suharto and the fact that no specific steps had been taken to punish those responsible for human rights abuses had encouraged scepticism about that commitment. The court martial of 11 members of the army special forces responsible for kidnapping student and political activists in 1998 had failed to end the impunity which had existed in Indonesia since 1965 because the defendants had been exonerated.

49. All the steps taken by the new Government to promote and protect human rights in Indonesia, such as launching the National Action Plan on Human Rights, issuing invitations to the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on Arbitrary Detention, had not altered the reality on the ground. The State's failure to contain the conflict among various ethnic and religious groups and the communal violence in several parts of Indonesia would create chaos which in turn could legitimize the installation of a strong military regime on the pretext of preserving national identity. Furthermore, the prerequisites for ensuring the regular conduct of elections in June 1999 were not in place.

50. In the light of the foregoing, the Commission should request the Indonesian Government to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country in 1999, and to verify follow-up to the recommendations by the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on Arbitrary Detention.

51. Ms. CERVANTES VEZQUEZ (Organization of the Solidarity of the Peoples of Asia, Africa and Latin America (OSPAAL)) said that item 9 of the agenda had become a stick used by Northern countries to beat Southern countries on matters concerning human rights. Furthermore, most of the situations considered under item 9 concerned third world countries and there was no special rapporteur on the situation of human rights in the industrialized Western countries. It was also clear that States which passed judgement on the situation in other States were often swayed by political considerations. They had therefore abandoned the objectivity, impartiality and non-selectivity which should be the keynotes of such an exercise. The consideration of the human rights situation in Cuba, which was once again the subject of a draft resolution, was a perfect example. The United States had sought to turn the Commission's work into an instrument of its foreign policy by continuing to meddle in the affairs of a small country which had repeatedly demonstrated its commitment to the human rights of its own people and those of other third world peoples.

52. Human rights were indeed universal, indivisible, interdependent and interrelated, but nevertheless certain countries had attempted to impose purportedly universal models on other countries without taking account of their historical and cultural peculiarities. Moreover, it was unconscionable that Northern countries should exploit human rights as an instrument of political and economic blackmail, making them a condition of their relations with Southern countries while at the same time taking coercive unilateral measures without regard for the massive and flagrant human rights violations caused by those measures.

53. OSPAAL also condemned the frequent practice of the Commission, when considering item 9, to give credence to allegations of failure to observe human rights while ignoring the importance for certain third world countries of certain fundamental questions such as the right to self-determination, the right to development, the right of defence and the right to protect the environment. It was time to adopt a more comprehensive and up-to-date approach to human rights in order to tackle the many violations arising from the social injustices and inequalities proliferating in an age of neo-liberal globalization. At the dawn of the new millennium, it was necessary to identify without delay means to effectively address the problems confronting the human race, which in many cases endangered the most basic of all human rights, namely the right to life.

54. Mr. MORA SECADE (Centro de Estudios Europeos) noted with regret that the United States had once again used various manoeuvres to pressure other States to have the Commission examine the "situation of human rights in Cuba". Although it was impossible to prove that the introduction of a draft resolution on that question by the Czech Republic and Poland was linked to the recent decision to admit them to NATO, it was nevertheless clear that the United States had experienced difficulty in finding a State willing to render it that service. No one believed that the United States Government cared anything for the human rights of the Cuban people when for 40 years it had been violating those rights by imposing an economic, financial and diplomatic blockade in order to force Cuba to abandon the economic, social and political system which it had chosen as part of its right to self-determination.

55. Such was the purpose of the Helms-Burton Act, which had been in force for three years. It aimed to destroy the Cuban revolution by hampering the country's economic development and encouraging internal subversive elements. Every year the United States Congress had adopted new provisions to ensure implementation of the Act, including sanctions in the form of fines or custodial sentences for violators. In addition, the United States Government had bankrolled a number of NGOs, human rights protection movements and allegedly independent media sources which were in fact the tools of its policy of aggression against Cuba. The Cuban people were defending themselves against persons working for a foreign power. However, the authorities had not resorted to torture, death squads, extrajudicial executions or forced disappearances as had unfortunately happened in a number of other countries; they were operating within the terms of an Act designed to protect the country's independence and sovereignty. The Cuban people were entitled to act thus; refusal to recognize that right would be tantamount to asking Cuba not to defend itself against an aggressor.

56. Mr. KALATTAS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that the Cyprus problem had been on the agenda of the Commission and other international forums for the last 25 years. Since the invasion of 20 July 1974, the Turkish military occupiers had committed atrocities against the Greek Cypriot indigenous population, such as the bombing of civilian targets, cold-blooded murders, torture, and mass rapes. In the occupied zone, one third of the Greek Cypriot population had been forced to abandon their ancestral homes and become refugees in their own country. A total of 1,619 were still reported missing. A number of United Nations bodies, as well as the Movement of

Non-Aligned Countries, the Commonwealth and various European institutions, had issued resolutions demanding the urgent return of the refugees to their homes and the restoration of the Greek Cypriots' human rights. Not only had Turkey refused to comply with those resolutions, but it had also pursued a policy of destruction and colonization in the occupied zone. The number of Turkish colonists, estimated at 100,000, added to the 35,000 Turkish occupation troops on the island, far outnumbered the Turkish Cypriots in the occupied part of Cyprus.

57. The unilateral declaration of independence of the so-called Turkish Republic of Northern Cyprus in November 1983 contravened the 1960 Treaty establishing the Republic of Cyprus, the Treaty of Guarantee of the same year, the Charter of the United Nations, various Security Council resolutions and the principles of international law. It had therefore been condemned by a number of international bodies. Turkey was legally responsible for the unlawful declaration, which constituted a new form of aggression against Cyprus. It was generally believed that, unless the Security Council imposed sanctions, Turkey would never comply with the United Nations resolutions on Cyprus, simply because the past 25 years had clearly proved that Turkish interests were served by the status quo.

58. The International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities therefore appealed to all the parties concerned - States, international organizations, legal bodies and institutions for the promotion and protection of human rights - to focus their attention on the breaches of international law and the human rights violations committed by Turkey in Cyprus, and also to exert pressure for the imposition of sanctions with a view to compelling Turkey to abandon its long-term expansionist schemes against Cyprus.

59. Mr. MUNAVAR (Liberation) said that the Commission should focus its attention on the situation of human rights in Yemen, where cases of arbitrary detention, torture and other forms of inhuman or degrading treatment were widespread. Bombardment of civilian communities, including one incident in 1998 in which hundreds of women and children had been killed, kidnapping, murders and terrorist acts committed by groups colluding with the authorities had all continued, despite the commitments by the Yemeni Government to the Secretary-General to pursue national reconciliation and respect human rights. The Commission should examine the human rights situation in Yemen and the Yemeni Government should abide by its international obligations.

60. Liberation was also concerned by the fate of the population of the province of Sind in Pakistan, where the Pakistani Government had declared a state of emergency in 1998, Parliament had been suspended and military courts had handed down death sentences in flagrant violation of the rights enshrined in the International Bill of Human Rights. Human rights violations such as rape, torture and death in custody, which had been reported by the relevant Special Rapporteurs and Amnesty International, were being used by Pakistan to suppress the desire of the population of Sind for self-determination.

61. The Commission should also examine the situation of human rights in the Indonesian province of Aceh, where since 1989 the number of cases of killing, disappearance, rape and torture by members of the Indonesian armed forces

against members of the National Liberation Front Aceh Sumatra had steadily increased. In January, 38 men had been imprisoned and beaten by a group of approximately 100 soldiers. Five of the men had been killed. In another incident, soldiers had opened fire on a crowd returning from a public rally, killing an unknown number of people. Corpses had been fished out of a river bound hand and foot, and other people had simply disappeared. The Indonesian Government should be urged to bring proceedings against the known perpetrators of those crimes, and to provide for the thousands of women and children who had been widowed and orphaned during the past 10 years of terror.

62. Mr. AKITO (International Buddhist Foundation) condemned the brutal attack of the Liberation Tigers of Tamil Eelam (LTTE) on a sacred temple in Sri Lanka. The wilful destruction of the monument, classified as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO), was part of the escalating cycle of violence between the Sri Lankan army and the terrorists. Violence simply begot more violence, and failed to solve any civil or political problems. Those responsible for human rights violations, whether alleged liberation movements or Governments, should be brought before competent national or international tribunals. Buddhists everywhere should advocate non-violence as a way of life and a lasting solution to all problems. For its part, the Commission on Human Rights, which in a sense represented the conscience of the international community, should not allow purveyors of death to address it and seek to justify their own barbarism by invoking the atrocities of others. The Commission should find a suitable way to condemn Governments that were guilty of human rights abuses while rejecting those who attempted to glorify criminal organizations.

63. Mr. PARY (Indian Movement "Tupaj Amaru") said that current international law condemned all aggression against sovereign countries and promoted the establishment of friendly relations between nations founded on the right of peoples to self-determination and the peaceful settlement of conflicts. The Security Council was the only body empowered to maintain international peace and security.

64. Nevertheless, in December 1998, in defiance of those principles, the United States, with the support of the United Kingdom and the complicity of Turkey, Spain and neighbouring Arab countries, and under the indifferent, selfish and hypocritical gaze of international public opinion, had launched a ferocious attack upon the Iraqi people. The allegedly "surgical and clean" war waged at a distance had resulted in the destruction of the Basra oil refinery, of key importance for Iraqi crude oil exports under the oil-for-food programme. Successive wars and economic sanctions had returned the country to the pre-industrial age. Operation Desert Fox had also revealed that inspectors of the United Nations Special Commission for the elimination of Iraq's weapons of mass destruction (UNSCOM), and especially its chief, had engaged in espionage activities for the benefit of the great Powers.

65. As the Commission was examining human rights violations around the world, NATO bombs and missiles were raining down on the towns and villages of a sovereign country, Yugoslavia, without any declaration of war, thereby provoking a mass exodus of refugees.

66. In blatant violation of General Assembly resolutions, the United States had also strengthened its economic and commercial blockade of Cuba, thereby condemning millions to a slow death.

67. The Commission should take specific steps to end the Western sanctions against Cuba, Iraq and the Libyan Arab Jamahiriya and thus respect the right of peoples to self-determination.

68. Mr. WONG (International Association for the Defence of Religious Liberty) said that fighting between Muslims and Christians on the Indonesian island of Ambon had resulted in a number of deaths. Many churches had also been destroyed or damaged. A lack of neutrality and impartiality on the part of the security forces had also been widely reported. For example, in the Christian village of Benteng Karang, in northern Ambon, 15 Christians had been massacred and hacked to pieces on 20 January 1999. Four members of the security forces arriving at the scene had reportedly embraced the rioters before departing. If it wished to prevent an escalation in the violence, the Indonesian Government should take urgent action to ensure that the security forces protected all religious communities impartially. It should also permit the rebuilding of churches and Christian schools which had been destroyed or damaged.

69. In India, particularly in the states of Gujarat and Orissa, Hindu extremists had burned and pillaged churches and terrorized the Christian community. For example, on 23 January 1999 Hindu extremists had burned to death an Australian missionary, Graham Staines, and his two sons aged 10 and 8 in the village of Manoharpur in Orissa State. The Indian Government needed to take urgent measures to protect religious freedom and bring inciters of religious hatred to justice

70. In Burma, the military regime was continuing to carry out its policy of ethnic cleansing and genocide against minority peoples such as the Karen, Karenni and Shan. International sanctions should be imposed on the Burmese regime, and its leaders should be brought before an international tribunal to answer for the crime of genocide and other crimes against humanity.

71. Mr. SAFI (World Muslim Congress) said that although India claimed to be the world's largest democracy, its human rights record was atrocious. Over half of India's population were outcasts. The "untouchables" were the most disadvantaged group. They were born and died in servitude and were often victims of violence. Dalit women and girls were bought and sold and subjected to all forms of exploitation, particularly of a sexual nature.

72. Religious minorities, especially Muslims, Sikhs, Christians and Buddhists, were victims of religious intolerance, as demonstrated by the massacre of Sikhs in 1984 in New Delhi and other regions of India; the destruction of the Babri mosque by Hindu fundamentalists; the massacre of Muslims in Bombay in 1992; recent killings of Christians, particularly in the State of Gujarat; the murder of Hindu pundits in Indian-occupied Jammu and Kashmir; atrocities committed with complete impunity by Indian military and paramilitary forces in Kashmir; and the campaign of repression against Bodos, Nagas and Assamese in the north-east of the country.

73. Rapes, prostitution (especially child prostitution), forced child labour, bride-burning, dowry deaths and female infanticide were also widespread in India.

74. The Commission should therefore invite the thematic rapporteurs to investigate the human rights abuses and excesses in India and Indian-occupied Jammu and Kashmir.

75. Mr. OJO (Article XIX: The International Centre Against Censorship) said that much remained to be done in Nigeria to ensure a successful transition to democracy. In particular, steps should be taken to repeal the repressive military decrees which were still in force, namely the Federal Military Government (Supremacy and Enforcement of Powers) Decree No. 12 of 1994, the Constitution (Suspension and Modification) Decree No. 107 of 1993, and the State Security (Detention of Persons) Decree No. 2 of 1984.

76. Journalists and media organizations had continued to suffer harassment. In August 1998, Okozie Amarube, a journalist working for News Service, had been shot by the police. News Service had openly criticized the Government and denounced corruption. No investigation had yet taken place. In February, the police had confiscated copies of the newspaper The News, which had been intending to publish a story on official corruption during the Abacha era. The Commission should therefore renew the mandate of the Special Rapporteur on the situation of human rights in Nigeria for at least another year in order to check that genuine democracy had returned to the country.

77. Violations of fundamental human rights such as freedom of expression, in addition to massacres and disappearances, had continued in Algeria. While many abuses had been committed by shadowy armed groups, others had undoubtedly been the work of government forces. The almost total absence of independent information on the conflict had simply encouraged impunity. While less strictly censored than in recent years, the media remained severely constrained.

78. It was unclear why the Algerian Government had consistently blocked the Commission's efforts to establish the truth, notably by means of a joint visit to Algeria by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions. If the Algerian authorities failed to receive the Special Rapporteurs within three months of the forthcoming elections, the Commission should appoint a Special Rapporteur on the situation in Algeria.

79. Ms. AGDAS (Fédération démocratique internationale des femmes) said that, having been refused political asylum by Italy and the Russian Federation, Abdullah Öcalan, the leader of the Kurdish Workers' Party (PKK), had been kidnapped in Kenya in an operation involving the Turkish, Israeli, United States, Greek and Kenyan authorities. He would probably be sentenced to death after a trial in which the fundamental right of defence would be violated.

80. The Universal Declaration of Human Rights stated that "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion

against tyranny and oppression, that human rights should be protected by the rule of law". Furthermore, in 1973 the General Assembly had established that struggles against colonial and racist regimes were legitimate and fully conformed with the principles of international law, and that attempts to suppress rebellion against such regimes were incompatible with the Charter of the United Nations. Abdullah Ocalan had simply demanded the right of self-determination for his people and had waged war against the Turkish Government's oppression of the Kurdish people.

81. The Commission should condemn the policy of the Turkish Government and help to find a peaceful political solution to the war in Kurdistan.

82. Mr. GRACIA HENRIQUEZ (National Union of Jurists of Cuba) said that the Protection of Independence and the National Economy Act which had recently been adopted in Cuba was intended not to suppress freedom of expression but to strengthen the array of Cuban legislation enabling the country to deal with the political, economic and military war being waged against it by the United States. The Act made it an offence to pass information to the United States Government in execution of the Helms-Burton Act, which had been unanimously condemned by the international community. It also penalized persons who collaborated with the United States media to promote the economic blockade and the imposition of sanctions against Cuba, and persons who caused public disturbances or committed acts intended to sabotage economic relations or foreign investment in Cuba.

83. The 30-year campaign of State terrorism waged by the United States Government, which harboured the terrorist groups that had planted bombs in Cuban hotels, violated the right of peoples to self-determination and was an unconscionable assault on the country's national sovereignty. Accordingly, Cuban jurists urged the Commission to appoint a special rapporteur to investigate the human rights abuses perpetrated by the United States, including the victimization of the Cuban people.

84. Ms. PARKER (International Educational Development, Inc.) said that 38 countries in the world were currently affected by war and up to 30 more could explode into war at any time. Africa alone was the scene of 16 wars. In Sierra Leone, the number of dead, injured and displaced persons and people at risk of starvation was very high. Wars were being fought in the Sudan, Somalia, the Democratic Republic of the Congo, Burundi and, to a lesser extent, in Rwanda, Uganda, Lesotho, the Comoros, Liberia, Guinea-Bissau and Angola, not forgetting the conflicts between Ethiopia and Eritrea and Morocco and Western Sahara. The referendum for Western Sahara had once again been postponed.

85. In Asia, the Sri Lankan Government had ignored the attempts by the international community to settle the conflict through negotiation. In Burma, the refusal of the illegal regime in power to take account of the aspirations of ethnic minorities had led to armed conflict. In Kashmir, the plebiscite to enable the population to determine its status had still not been organized. In Indian-occupied Kashmir, the Indian armed forces had continued to commit serious breaches of the Geneva Conventions.

86. Although the efforts made by President Habibie to remedy the situation in East Timor were encouraging, the Indonesian Government still had to determine the status of the Moluccas and Aceh in the context of the 1948 agreements concluded under the auspices of the United Nations. The Commission should urge the Indonesian authorities to make every effort to halt the confrontations between the settlers from Java and the population of the Moluccas.

87. In Mexico, the authorities had committed human rights abuses and violations of humanitarian law. They had been implicated in the massacre of indigenous people at Acteal and El Bosque in December 1997. In addition, the Mexican Government had tried to sabotage the San Andrés Agreement with the Ejército Zapatista para la Liberación Nacional (EZLN). It was encouraging that the Sub-Commission had adopted a resolution condemning the flagrant human rights violations in Mexico. The Commission should appoint a special rapporteur on the situation of human rights in Mexico.

88. Ms. WENYAN (All-China Women's Federation) said that the strengthening of bilateral and multilateral dialogue with a view to improving human rights protection was an encouraging sign. Unfortunately, in many parts of the world, such protection was still inadequate. In the United States, for example, 18 per cent of women had been victims of rape or attempted rape in 1998. A study of 152 countries carried out in 1998 by the International Labour Organization had revealed that the United States had the worst labour protection for women. For example, women in the United States had only three months of unpaid maternity leave. Child neglect and child suicides were other very alarming problems. Racial discrimination and police violence were commonplace. The United States had not ratified the Convention on the Rights of the Child or the Convention on the Elimination of All Forms of Discrimination against Women.

89. Abroad, NATO, led by the United States, had used modern weapons against a small sovereign State, thereby provoking the displacement of large numbers of innocent civilians including women and children. The military campaign was a cause for indignation and should be halted immediately.

90. It was to be hoped that, in the future, the Commission would play a more constructive role in the promotion and protection of human rights and that the human rights abuses which had occurred in the twentieth century would not be repeated in the coming century.

The meeting rose at 1 p.m.

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Fifty-fifth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-11989 (E)

The meeting was called to order at 3 p.m.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO

1. Mr. SHE OKITUNDU (Democratic Republic of the Congo) said that no one had the right, individually or collectively, to ignore the suffering of civilian populations - particularly children, women and the elderly - in times of armed conflict, whether in Kosovo, Sierra Leone, Guinea-Bissau or his own country. In that context, his Ministry had recently issued a report on the massive human rights violations by the aggressor countries - Uganda, Rwanda and Burundi - in the eastern provinces of his country.

2. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo had visited the country for a week in February 1999. He had been able to see for himself the efforts made by the authorities to promote human rights, despite the unjust aggression to which the country had been subjected; he had also pointed out some shortcomings, which the Government had noted, although it was unable to accept all his views, particularly with regard to characterization of the conflict. It had, however, shown its willingness to cooperate with international organizations and non-governmental organizations (NGOs) concerned with human rights as well as with the Special Rapporteur. He appealed to the international community to refrain from making constant criticisms and, instead, to provide extensive and constructive assistance to protect the cause of human rights. The very fact of the establishment of his Ministry was an earnest of the Government's good intentions.

3. He also expected the international community to express its firm and unequivocal condemnation of the war of aggression being waged against his country by Uganda, Rwanda and Burundi, which were occupying a substantial part of the country's territory in contempt of such basic principles as respect for sovereignty, territorial integrity and self-determination. Contrary to the misapprehension of the Special Rapporteur, there was no doubt as to the international nature of the conflict: the Ugandan and Rwandan Governments had acknowledged that their troops were on Congolese territory and there was ample evidence implicating Burundi also. The so-called rebellion fomented among some Congolese could not exonerate the Governments that were really behind the war of aggression. Their justification for their actions could not stand up to serious scrutiny.

4. From the outset, the aggressors had exhibited unprecedented barbarity through mass deportations, summary executions and massacres. They had also deliberately spread sexually transmitted diseases by dispatching some 2,000 Ugandan soldiers with AIDS or HIV to devastate the population by rape. They were also guilty of systematically plundering Congolese wealth, above and below ground, including gold and other minerals, coffee and wood, and exterminating such rare animal species as okapi, white rhinoceros and mountain gorillas.

5. Although responsible for the war and the war crimes, the Tutsi extremists were cleverly claiming to be victims, as though the genocide of Rwandan Tutsis in 1994 justified the massacre of Hutu refugees on Congolese

territory. Their aim was to create a "Tutsiland", cynically trading on their past victimization. Their claim that the State or the Congolese people were committing genocide was groundless. Violence played no part in his country's cultural tradition and the Government gave Tutsis its full protection.

6. Tutsis living in shelters in Kinshasa and Katanga were not prisoners; they were there for their own safety, as the International Committee of the Red Cross (ICRC) could testify. The United States of America and Canada had expressed a desire to receive some of those people and his Government had no objection. Any solution to the problem of the vulnerable people in such shelters was welcome. He added that the State had no connection - as asserted by the aggressor countries - with the Hutu militias (Interahamwe) or those elements of the former Rwandan Armed Forces (FAR) considered to have committed genocide.

7. The democratization process would continue. His own Ministry undertook to promote the Commission's resolution on the protection of human rights defenders. He urged the Commission to condemn the aggression against his country, to demand the unconditional withdrawal of foreign troops, to support the idea of deploying an international intervention force along the frontiers, to support the President's initiative of organizing a national debate of reconciliation and to demand the dispatch of an international commission of inquiry to the areas controlled by the aggressors. Any assistance the international community could give would be gratefully received.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/7/25-27, 30-38, 40-43, 107, 117, 119, 121, 125-127, 129-137 and 139; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

8. Mr. ABDELBAGI (World Federation of Democratic Youth) said that, in the Sudan, gross and massive violations were committed daily by the Government against real and imaginary political opponents. Such violations were committed with impunity, since the courts were barred from entertaining complaints on actions by the executive. The Government was clearly intent on a military victory in the southern Sudan in order to impose its programme of Islamization and, in the 16 years of civil conflict, it had failed to take any prisoners of war. Its recent adoption of a Constitution and other attempts to gain legitimacy had proved a charade, because the laws excluding pro-democracy political parties and free trade unions from participation in public life remained in place.

9. Mr. XIAO Qiang (Robert F. Kennedy Memorial) said ...

10. Mr. WANG Min (China), speaking on a point of order, said that the speaker had no consultative status with the Economic and Social Council and was thus not entitled to take the floor.

11. The CHAIRPERSON confirmed that the speaker was an accredited member of a non-governmental organization (NGO). NGO representatives had, of course, to speak on behalf of their organizations and not on their own behalf.

12. Mr. XIAO Qiang (Robert F. Kennedy Memorial) said that, shortly after signing the International Covenant on Civil and Political Rights, the Chinese Government had adopted two laws further restricting freedom of association, expression and information. It had also launched a systematic campaign of arresting human rights and democracy activists and labour organizers. Peaceful attempts to register the China Democracy Party as an independent political party had been thwarted, the main organizers of the initiative having been arrested and sentenced to long terms of imprisonment. It was clear that no challenge to Communist Party rule would be tolerated and that the Government did not feel bound by any international human rights obligations.

13. The Commission should therefore express its outrage by adopting a resolution condemning the deteriorating human rights situation in China and thus send a clear signal to the Chinese authorities that the world's highest human rights body did not accept their denial of fundamental human rights. By supporting the resolution, member States would improve China's chances for a peaceful transition to a just and truly stable society and empower the advocates of reform and those Chinese struggling to establish respect for international standards.

14. Mr. DAR (International Islamic Federation of Student Organizations) said that, in the course of the systematic campaign of repression by India in occupied Jammu and Kashmir, military and paramilitary forces were able to target the Kashmir people with full impunity and under official protection. Indian legislation gave full immunity to those forces and the Indian National Human Rights Commission had admitted its inability to investigate complaints of abuses by them. He hoped that the Commission would take effective action to force India to halt its campaign of repression.

15. Mr. QADIR (Muslim World League) said that there had been a drive against religious minorities in India led by Hindu fundamentalist groups, some of which drew their inspiration from Hitler. Violence against Muslims was commonplace, but there had also been a sharp increase in attacks on the Christian community and missionaries. Indians belonging to the lower castes, and particularly the women, were regularly subjected to physical violence and abuse. There was an active involvement of official Indian agencies, including the police, and of private militias which had murdered at least 58 Dalits ("untouchables") in Bihar since December 1997. There had also been cases of Dalits and bonded labourers being attacked with the connivance of the police. Systematic violence by the police was also directed at peoples seeking to exercise their right to self-determination, such as the Kashmiri people and the peoples of north-east India.

16. Ms. DAVIS (Freedom House) said that the number of electoral democracies, representing 61 per cent of the world's countries, had risen by 21 per cent over the past 15 years to 117. Many Governments, however, still systematically suppressed the basic rights of their citizens, the worst

violators being those of Afghanistan, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Iraq, the Libyan Arab Jamahiriya, Myanmar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Turkmenistan and Viet Nam. In Cuba, in particular, the human rights situation was deteriorating rapidly and she urged the Commission to consider the appointment of a Special Rapporteur for Cuba.

17. Mr. MARSHALL (Freedom House) said that the Sudan's non-Muslim and moderate Muslim population faced genocide. The Sudanese Government's scorched-earth tactics had resulted in the deaths of nearly 2 million people and the displacement of 5 million. The Commission should unequivocally condemn the Government of the Sudan for sponsoring war crimes and demand the imposition of sanctions and the stationing of human rights monitors throughout the country.

18. China had recently intensified its already harsh persecution of religious minorities which persisted in worshipping outside government control. Many Christians had been terribly ill-treated by the police.

19. Ms. SCHILT (Association of Refugees and Displaced Persons of Bosnia and Herzegovina) said that the atrocities against defenceless civilians in Kosovo were an exact repetition of those in Bosnia and Herzegovina a few years earlier and were committed by the same people. The international community should not lose sight of the existing displacement problems in Bosnia and Herzegovina despite the Kosovo emergency. It had been alleged that over 90 per cent of the Bosnian Serb refugees living in the Republika Srpska did not wish to return to their pre-war homes elsewhere in Bosnia. Her organization challenged that allegation. On the basis of permanent contacts with refugee associations it was convinced that a much larger number of Serb refugees wished to return to their places of origin.

20. Returns on an individual, spontaneous basis, in which there had been an encouraging increase over the past months, were more effective than project-driven returns and she suggested that organizations involved in the return process should adopt the principle that "resources follow the returnees" and cooperate with the refugee associations in order to obtain first-hand information.

21. Ms. TANAKA (International Movement against Discrimination and Racism) said that the Government of Sri Lanka had failed to keep its promise to facilitate democratization and respect for the rule of law. Two police officers who had been found guilty of human rights violations had been promoted and their fines paid by the State. Censorship of war-related news continued and government officials had conducted a vicious campaign against the free media movement after independent journalists had exposed corruption and violence in recent elections. A 1998 modification of Sri Lankan legislation endangered the freedom of association of NGOs and contravened the Constitution and International Covenant on Civil and Political Rights. Harassment of the Tamil community continued and political violence associated with provincial elections had escalated. She urged the Sri Lankan Government to honour its commitment to restore peace and ensure democracy.

22. Mr. WANGCHUK (International Union of Socialist Youth) said that the human rights situation in Tibet continued to deteriorate. Two peaceful demonstrations in a Lhasa prison had been brutally suppressed in 1998, with 11 prisoners killed by the security forces. The authorities had made no official inquiry into those killings. Since the visit of the Special Rapporteur on religious intolerance in 1994, the Chinese authorities, in their endeavour to transform Tibet into an atheist region, had banned all public display of photographs of the Dalai Lama, was holding the 9-year-old Panchen Lama in an undisclosed location, and had expelled nearly 10,000 monks and nuns for opposing patriotic re-education at religious institutions. There were nearly 1,100 known Tibetan political prisoners in Chinese prisons, the majority of them monks and nuns, and 60 of them had died from torture since 1986. The Chinese authorities maintained that human rights issues must be resolved through dialogue, yet their behaviour remained confrontational, and he urged the Commission to appoint a special rapporteur to investigate the human rights situation in Tibet.

23. Mr. WIN (International Peace Bureau) said he was disappointed by the defensive response of the Myanmar regime to the Commission's constructive recommendations. In the face of the deteriorating human rights and economic situation, the National League for Democracy (NLD) had again asked the military regime to convene parliament by 21 August 1998, adding that, if the regime refused, the party would itself do so. The regime's response had been to step up its campaign to wipe out the democratic movement. In addition to its constant attacks on Aung San Suu Kyi and the party leadership, the military had launched a psychological campaign in the media, announcing resignations of party members and transfers of office property to the local authorities. Approximately 190 members of parliament were incarcerated in prisons or "guest houses", where treatment could be life-threatening. However, in September 1998, the parties that had won the overwhelming majority of parliamentary seats had formed the Committee Representing the People's Parliament (CRPP), an action that was a necessary and legitimate step towards the restoration of a democratic system.

24. Mr. HTUN (Worldview International Foundation) said that, once known as the rice bowl of Asia, Myanmar was currently classified as a least developed country, with one third of the rural population living in absolute poverty. The confiscation of land without compensation was a form of punishment applied to farmers who failed to sell their quota of crops at prices set by the Government. The authorities had been known to confiscate rice stored by peasants for their household use and even seed rice on the grounds that they had not met their official quota.

25. Problems in the hill areas along the country's borders, which had suffered from long periods of neglect and isolation, had been compounded by the current regime's policy of forced relocation and labour, extortion, looting and destruction of crops in the course of counter-insurgency operations. Millions of villagers had been driven from their homeland, which had been declared by the army to be a free-fire zone and the traditional subsistence economy had been destroyed. The Commission should request the Special Rapporteur on Myanmar, in future reports, to focus also on violations of economic, social and cultural rights.

26. Ms. STOTHARD (Aliran Kesedaran Rakyat - National Consciousness Movement) said that the bizarre descriptions used by the representative of Myanmar to gloss over the brutalities and oppression inflicted on the people of that country were outrageous. It was insulting to describe forced labour as a "voluntary contribution to community development'. The regime might next choose to describe extrajudicial killings as "voluntary participation in target practice".

27. The NLD had suffered the worst repression in recent years because of its decision to convene the People's Parliament. More than 150 NLD members of parliament were being detained and three had died in custody. Most detainees were denied family visits, legal counsel and medical care. The representatives of the military regime should visit the refugee camps and prisons themselves before uttering glib denials before the Commission. She challenged the regime to allow the Special Rapporteur free access to the country and to honour its commitment to a political solution by entering into a dialogue with the democracy movement under the leadership of Aung San Suu Kyi.

28. Mr. MOCONG ONGUENE (World Alliance of Reformed Churches) said that his organization, which maintained a presence in Equatorial Guinea through the Presbyterian Church there, had observed a lack of political will on the part of the Government to fulfil its obligations to protect human rights and honour its commitments to promote the democratization of the country. The conclusion of the Special Rapporteur in his accurate report (E/CN.4/1999/41), that no progress had been achieved in the area of human rights was thus not surprising. The few perpetrators of human rights violations who had been tried at all had been swiftly released or given very light sentences. Government pledges to deal with impunity had been empty and there was no hope for any improvement in the situation. The most recent elections were supposed to have been free and transparent, yet the Government had once again manipulated them, imposing new voting requirements and forcing citizens to vote at gunpoint. Using various irregularities, the Government had managed to obtain 75 out of 80 seats in the House of Representatives.

29. Mr. AHDEROM (Baha'i International community) said that members of the Baha'i faith in the Islamic Republic of Iran continued to be imprisoned and in some cases sentenced to death for their religious beliefs. There were unofficial reports that the death sentences on two Baha'i prisoners had been lifted and that Baha'i youth were again being allowed to enrol in the pre-university year of high school, but those reports had not been confirmed.

30. In his report on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1999/32) the Special Representative had said that the status of the Baha'is had to be addressed. The Commission might wish to recall in that connection the recommendations made by the Special Rapporteur on religious intolerance in 1996, when he had urged the Government of the Islamic Republic of Iran to re-establish the Baha'i institutions, which formed the core around which Baha'i community life revolved.

31. Despite relentless persecution, the Baha'i community had survived because of the courage it had derived from the numerous resolutions adopted by

the Commission and other United Nations bodies. The time had come to identify specific ways in which the Iranian Government could implement the recommendations of the Special Rapporteur and the Special Representative.

32. Mr. WEI Jingsheng (Transnational Radical Party) said that he had been arrested in Beijing in 1979 and imprisoned for 18 years for having advocated the democratization of China. He expressed gratitude to the many countries and NGOs which had worked to obtain his release, which nevertheless had not resulted in freedom, since he had been forced by the Chinese Government into exile abroad. The Chinese Government's refusal to allow him back into China showed that it did not respect human rights.

33. Shortly after its signature of the International Covenant on Civil and Political Rights, the Chinese Government had begun a new and massive wave of arrests of pro-democracy human rights and labour activists, many of whom had received harsh sentences. It had established a central agency aimed at "nipping in the bud" all political organizations outside the Communist Party.

34. His organization did not oppose efforts to engage in dialogue with the Chinese Government on the question of human rights unless that meant abandoning political pressure. Following the massacre at Tiananmen Square in 1989, the countries of the world had imposed sanctions against China, and the sentences given the student leaders had been relatively light. In recent years, however, as countries began to favour dialogue over pressure, the same individuals had been given much harsher sentences.

35. The Chinese Government should comply with the international conventions it had signed and with its own legislation: for example, since the charge of being a counter-revolutionary had been eliminated from Chinese law, it should release all prisoners convicted on that charge, including all the recently arrested dissidents and unofficial publishers.

36. Ms. BIONDI BIRD (International Confederation of Free Trade Unions) said that violations of trade-union rights were crimes against humanity. The Confederation was deeply concerned at the worsening situation in China, where dissidents had received prison sentences for calling for trade-union freedom or trying to organize independent trade unions. Such detentions were in violation of the International Covenant on Civil and Political Rights, which China had signed in October 1998.

37. The Confederation had addressed letters to trade unions in both Serbia and Kosovo expressing its support for workers and their families and urging them to continue to promote dialogue and peace. It condemned the arrest and subsequent assassination by Serbian forces in Kosovo of an independent trade-union leader and his family.

38. In the Republic of Korea, there were hundreds of trade unionists languishing in prison, 500 of them having been arrested in 1998 alone.

39. The Confederation was concerned about the situation in Myanmar and the suspension of trade-union rights at the water and energy authority in

Pakistan, where the very existence of the local labour union and the trade-union movement in general was threatened. Trade union activities were also severely compromised in the banking sector.

40. Trade union rights were also violated in countries in Latin America and in Africa. Owing to time constraints, she requested that copies of her statement be circulated to the representatives of all countries cited in it as having violated trade-union rights.

41. Mr. NWIIDO (Commission of the Churches on International Affairs of the World Council of Churches) said that his organization had recently visited Indonesia, a country which was experiencing a series of interrelated crises. Clashes between civilian demonstrators and the military, and ethnic and religious violence had resulted in loss of life, the destruction of religious sites and other human rights violations that the authorities had done little to prevent or prosecute. The Government must bring to justice all those involved in ethnic and communal violence and ensure the credibility of the forthcoming elections. The Government should also address the demands of the people of East Timor, Aceh and Irian Jaya and enact legislation to give greater provincial autonomy. The conditions imposed by Indonesia's international creditors, and particularly the International Monetary Fund (IMF) should be changed and the national dialogue with the people of Irian Jaya agreed by the President should be pursued.

42. The recent elections in Nigeria were a welcome development after 15 years of military dictatorship. However, human rights violations continued and must be addressed by the new Government when it took office. Of particular concern was the situation of the people of Ogoniland, a region that had been subjected to serious environmental degradation at the hands of international oil companies and repression at the hands of the Nigerian security forces. There were thousands of Ogoni people living in exile or languishing in prison without being brought to trial.

43. The repressive decrees promulgated by the previous regime must be repealed, and all political prisoners must be released; there must be freedom of the press and assembly, and the military forces currently stationed in the Delta region must be withdrawn and the people allowed to express their views without fear of reprisals. Until the Government had taken those steps, the Special Rapporteur should continue to fulfil his mandate with respect to Nigeria.

44. Mr. QUIGLEY (Franciscans International) said that there was ample evidence that the situation of human rights in Mexico was deteriorating. Militarization had increased, particularly in indigenous regions such as Chiapas, Guerrero and Oaxaca. The military controlled the population, especially indigenous people, by arbitrarily assuming civilian functions that did not fall under its authority, such as the control of immigration papers and setting up illegal checkpoints. The military also conducted so-called social work programmes that were designed around military intelligence objectives. There were also indications that the military and members of the Mexican Government were involved in organizing paramilitary groups. The

Commission should take action on the situation of human rights in Mexico using the existing United Nations thematic mechanisms and, should consider the appointment of a special country rapporteur.

45. His organization remained seriously concerned about the situation of religious minorities in Pakistan, particularly with respect to the separate electoral system, the Blasphemy Laws of the Penal Code and the Government's attempt to adopt the Shariah Bill.

46. The situation of human rights in Colombia continued to worsen; it was the most serious in South America and one of the gravest in the world. In the past year, more than 20 human rights defenders had been killed there. He thus welcomed the recent changes in the Office of the High Commissioner for Human Rights at Bogotá, and requested that it publish a plan of action for the forthcoming year; his organization also called for the mobilization of other United Nations mechanisms to complement the Office's work and in particular, for a joint visit to Colombia and a joint report to the Commission at its fifty-sixth session of an appointed special rapporteur on human rights defenders together with the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment, on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers and of the Representative of the Secretary-General on internally displaced persons. If such a joint visit and report could not be arranged, his organization recommended that the Commission should at its fifty-sixth session, decide to appoint a special rapporteur on the situation of human rights in Colombia.

47. Mr. LEGESSE (African Commission of Health and Human Rights Promoters) said there had been massive deportations of ethnic Eritreans living in villages in the Tigrai region in Ethiopia. They had been dispersed and driven into the adjoining regions of Eritrea. All 56 villages in one district had been removed in an act of creeping ethnic cleansing which was of the most ruthless and thorough kind. After the deportees had settled inside Eritrea, their tents had then been bombed by Ethiopian aircraft at night, although they were clearly labelled "UNHCR" in large blue letters.

48. Civilian communities in Eritrea had been bombed by the Ethiopian air force in six locations along the 625-mile border. Another community, well inside Eritrea and not in the contested zone, had been bombed with napalm and 150 homes set on fire; sometimes cluster bombs were used. His organization urged the Commission to examine those violations of humanitarian law and to halt them before they turned into something still more heinous.

49. Ms. ARIFIN (Asian Legal Resource Centre) said that, although Indonesia had undergone vast changes in 1998, human rights abuses in many regions had not been stopped or investigated. One of the regions most seriously affected by human rights abuses was Aceh in Sumatra. From 1989 to 1998 the province had been designated a military operation zone, because of the presence of so-called separatist groups, during which time the State security apparatus had committed a variety of human rights violations, which had unfortunately not ended with President Habibie's accession to power and the cancellation of the military operation zone.

50. In January 1999, the military had attacked a community in Kandang described as a base for the Aceh Merdeka (Free Aceh) movement, resulting in several people being killed and wounded. A number of members of a community accused of being separatist then kidnapped and killed some soldiers, whereupon the military massacred more than 10 people. No action whatsoever had been taken by the Government to investigate, prosecute and punish those responsible.

51. Her organization therefore requested the Commission to urge the Government of Indonesia to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia and Aceh in 1999 so that she could report to the Commission at its next session. Furthermore, in the context of the Memorandum of Understanding between the Government of Indonesia and the High Commissioner for Human Rights, the Commission should recommend the inclusion of a relief and rehabilitation programme and compensation to the victims and survivors of human rights violations in Aceh.

52. Ms. KESSLER (National Council of German Women's Organizations, Federal Union of Women's Organizations and Women's Group of German Associations), having welcomed the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1999/40), quoted from a letter her organization had received from an Afghan woman working for an NGO inside Afghanistan. She wrote that her experience in the field had shown her that forcing the Taliban to accept and honour women's rights was only a part of the process of helping Afghan women, who had borne the brunt of the war. True reform could be instigated only through the internal mechanisms of society, one such mechanism being the empowerment of women through economic independence, education and better health facilities. The NGO for which she worked was targeting women as the direct recipients of grass-roots projects, such as training women teachers and income-generation programmes for women. Its aim was to help women to help themselves in their struggle.

53. Her organization requested all Governments and United Nations agencies engaged in development and aid work in Afghanistan to make respect for women's human rights a part of their criterion for assistance. The Special Rapporteur should continue his work, and should investigate women's human rights in particular working closely with the Special Rapporteur on violence against women, its causes and consequences.

54. Mr. FAH (Anti-Slavery International) said that, in Shan State, the programmes of mass forced relocations carried out by the military regime in Myanmar since 1996 were still continuing, often repeatedly, as the military consolidated their control and prevented people from resettling, depriving them of all means of livelihood. Relocated villagers were not allowed to go more than three miles from their relocation sites and, if they returned to their old villages, ran the risk of being shot. There was documentary evidence of 312 extrajudicial killings in 1998, including women and children. There was also documentary evidence of 58 cases of rape by the military, with officers involved in most of them. Rape was condoned as a means of intimidating local populations. In January 1999 alone, there had been 12 rape cases involving minors.

55. People throughout Shan State were being forced to work without payment on military bases, growing crops for the military on land that had been seized from them, working on military business and infrastructure projects, and as porters. The military was carrying out a strategy of ethnic cleansing and demographic engineering. The Representative of the Secretary-General on internally displaced persons should investigate the situation, and the international community should provide the victims with humanitarian assistance.

56. Mr. MOUSSALI (Special Rapporteur on the situation of human rights in Rwanda) said that the statements and recommendations he had heard with regard to Rwanda had been extremely useful and reflected the concern of the international community. He had also noted the reply by the observer for Rwanda.

57. The first elections in that country had passed off very well, establishing a basic administrative structure, and everything possible must be done to ensure that the new National Unity and Reconciliation Commission and the National Human Rights Commission were able to play their full roles. The members of the National Human Rights Commission would be appointed by the National Assembly towards the end of April 1999, and he looked forward to meeting them.

58. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Burundi) said that a contradictory picture had emerged from the discussion of the situation of human rights in Burundi. On the one hand, the war continued, with very serious violations of human rights and humanitarian law; on the other hand, the level of participation had risen. In large parts of the country, some degree of security had returned, and the suspension of economic sanctions would have a very positive effect on daily lives, especially of women and children. Improvements were occurring in the cost of living and in health services and education and the population was gradually becoming better informed.

59. Every effort had to be made to increase the hopes and confidence of men and women of good faith, but a great deal remained to be done before a State based on the rule of law was established. The campaign had to continue against impunity, against serious violations of human rights, and in support of the reform of the judiciary, the police and the army, so that the confidence of all strata of society in the State institutions could be restored. The international community must be patient but, at the same time, should demonstrate its commitment to the people and the Government of Burundi.

60. Ms. VILLARAN (International Young Catholic Students) said that there was an alarming increase in human rights violations in Guatemala. The assassination of Monsignor Gerardi had demonstrated the extent to which the legal system there lacked independence. The situation of impunity had been denounced by the Church and by Guatemalan NGOs. Lawyers were subject to pressure from outside the legal system. Judges were unable to check on investigations. Obstruction of justice by the executive branch was tolerated, and threats and intimidation against officials in the legal system continued.

61. Guatemala could not be removed from the Commission's agenda because there had to be a lengthy and thoroughgoing monitoring of the situation of human rights in that country. United Nations technical assistance to the Government of Guatemala should also be monitored periodically by the Commission. Her organization requested the Commission to consider, at its fifty-sixth session, a report on the results that had been achieved in the first two years of the technical assistance programme. Lastly, her organization requested the Government of Guatemala to fulfil the undertakings it had given to the international community and to set a date for inviting the Special Rapporteurs on the independence of judges and lawyers and on freedom of opinion and expression.

62. Mr. REQUESENS (International Federation of Action of Christians for the Abolition of Torture) said that the situation of human rights in Mexico continued to deteriorate. The Government had neither ratified the Optional Protocol to the International Covenant of Civil and Political Rights nor made the declaration under article 22 of the Torture Convention that it recognized the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals. Since impunity was a regular feature of human rights violation in Mexico, his organization called on the Commission to urge the Government of Mexico to take steps to reduce the number of human rights violations and, at the international level, to ratify the Optional Protocol and make the declaration under article 22 of the Torture Convention; to consider the situation of human rights in Mexico in the light of information available to the various United Nations bodies and the Organization of American States (OAS); to urge the Government of the United States of America to close its armed forces school at Benning, Georgia, and to appoint a special rapporteur on the situation of human rights in Mexico.

63. Ms. RUPPRECHT (International Institute for Peace) said that societies using the language of religious fundamentalism to impose their own ideology on others and supporting their actions with sophisticated weapons and misleading propaganda, did not give credence to democratic values based on universal freedoms as defined in the Universal Declaration of Human Rights.

64. The Taliban forces in Afghanistan had committed a large number of political and other extrajudicial killings; they had, for instance, carried out a mass slaughter of civilians and prisoners after the capture of Mazar-i-Sharif in August 1998. Afghanistan under the Taliban regime was a prime example of the gross violation of human rights and fundamental freedoms of the citizenry, particularly women.

65. In Pakistan, groups such as Harkat-ul-Ansar and Lashkar-e-Tayba displayed a common ideological pattern consisting of bigotry and the use of weapons and terror to demolish all norms of civil society. According to the International Institute for Strategic Studies, there were Harkat-ul-Ansar offices in many parts of the world and there was no check on their fund-raising and recruiting activities. In March 1999, the Pakistani human rights activist, Ansar Burney, had been told by the Government to vacate his office in Karachi after he had begun to raise his voice against human and civil rights violations and extrajudicial killings in the country. Indeed a

number of human rights activists from Pakistan had not been allowed to participate in the current session of the Commission on one pretext or another.

66. Her organization wished to express its concern at the current crisis in Kosovo and at the serious danger of it spreading. The killing of unarmed civilians, including women and children, must be condemned and censored. The situation had become even more serious as a result of the action by the North Atlantic Treaty Organization (NATO). Countries that sought legitimacy in deliberate violence and discrimination on the basis of religion should be addressed and called upon to desist from encouraging the forces of extremism, terrorism and obscurantism.

67. Ms. GALARZA CAMPOS (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, since 1993, over 180 women had been murdered in Ciudad Juárez in the Mexican State of Chihuahua. Most of the victims had been sexually assaulted, mutilated and hanged. Their families had been denied effective legal redress, the municipal and State authorities tending to blame the victims for their fate. In addition, over 20 young women had disappeared since 1994. Local NGOs had succeeded in instigating official investigations and in having a specialized agency to deal with sexual offences and a crisis centre for sexually abused women established in the area. However, such institutions were unable to punish the guilty persons or to prevent further crimes.

68. She requested the Commission to urge the Government of Mexico: to guarantee the safety of the victims' families and human rights defenders; to investigate the events in Ciudad Juárez, to punish those responsible and to compensate the victims and their families; to implement United Nations recommendations aimed at protecting and eliminating discrimination against women and to issue invitations to visit Mexico to the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers. The Commission should also appoint a special rapporteur on Mexico to prepare a detailed human rights report, with particular attention to women's rights, especially in northern Mexico.

69. Mr. NOURI (Organization for Defending Victims of Violence) said that there had been two developments in Iran since the Commission's last session: the Iranian mayors placed on trial had complained of ill treatment during their detention and press and NGO reactions to a series of assassinations and murders had led to the arrest of a number of people and the resignation of the Minister of Intelligence and Security. His organization had called for a public trial.

70. In Afghanistan, extremist religious and ethnic policies had led to large-scale displacement of the Afghan people. The situation of women called for more serious scrutiny by the international community. Drug production and smuggling posed a serious threat to society.

71. In Kosovo, the right of self-determination of the ethnic Albanians had been violated. He urged the Commission to focus attention on the fate of refugees and displaced people.

72. The regime in Iraq imposed restrictions on the Shiite clergy and mercenaries were being used to suppress the Kurd and Shiite communities. International sanctions were punishing the Iraqi people rather than the authorities.

73. In the occupied Arab territories, including East Jerusalem, Palestinians were being murdered, detained without trial and expropriated as a result of Israel's expansionist policies.

74. Ms. RUMSEY (Canadian Council of Churches) said that the Sudanese Government's human rights abuses included using famine as a weapon of war, bombing civilian centres, the systematic rape of women and stripping black Sudanese of their cultural and religious identities. The Commission should call for an international investigation into crimes against humanity in the Sudan and extend the Special Rapporteur's mandate for another year.

75. Mindful of Nigeria's history of recurring military rule and of the many human rights improvements that were still necessary there, she urged the Commission to extend the Special Rapporteur's mandate for a further year.

76. All parties to the conflict in Sri Lanka were guilty of human rights violations. She noted with concern a growing radicalization of young people and an increase in violence against women. The Commission should urge the Government to implement the recommendations of the three Commissions on Disappearances and to invite the Special Rapporteur on the freedom of opinion and of expression to visit the country.

77. The capacity of the Indonesian Government and security forces to facilitate a peaceful transition to democracy in a highly unstable political environment was limited. The systematic use of violence against women during riots and communal attacks was a serious concern. Civil violence and human rights violations in Aceh and Irian Jaya called for immediate attention by the relevant special rapporteurs. International monitoring of the June 1999 elections was essential.

78. The Commission should express support for a United Nations presence to facilitate a cease-fire and the disarmament of paramilitary groups in East Timor and for a process to enable the East Timorese to exercise their right of self-determination.

79. Her organization called on the Colombian Government to implement the recommendations of the High Commissioner for Human Rights concerning the dismantling of paramilitary groups and to remove from active duty members of the State security forces who had supported the paramilitaries. She urged the High Commissioner to submit an interim report on the human rights situation in Colombia to the next session of the General Assembly.

80. The Mexican Government lacked the political will to put an end to grave human rights violations and to seek a negotiated solution to the low-intensity war in the country's southern States. Perpetrators of human rights violations continued to enjoy impunity. She urged the High Commissioner to visit Mexico and to report on the situation to the Commission at its next session.

81. Mr. SELBMANN (Society for Threatened Peoples) said that Serbian troops and paramilitary groups were committing genocide against the ethnic Albanian population of Kosovo, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide. The Commission must take action to ensure compliance with international law, to condemn the crimes being committed by the Yugoslav Government, to appoint a special rapporteur on Kosovo and to initiate a reform of the Security Council that would make it possible to prevent further cases of genocide.

82. Mr. VALBUENA (Society for Threatened Peoples) said that the Colombian Government, multinational companies and paramilitary organizations had murdered community and trade-union leaders and peasants and were engaged in a systematic genocide of the indigenous peoples of Colombia. He urged the Commission to condemn all such acts, the perpetrators of which should be tried in international courts, to call on the Colombian Government to abide by its constitutional obligation to protect the property, life and land of indigenous peoples and to appoint a special rapporteur to investigate the human rights situation of indigenous peoples in Colombia and to recommend the drafting of a United Nations code of conduct for multinational companies operating in indigenous territory.

83. Mr. YAYEHE (African Association of Education for Development) said that the human rights situation in Ethiopia and Eritrea had been deteriorating since the beginning of the conflict in May 1998. The Ethiopian regime was intimidating and harassing Eritrean residents, expelling tens of thousands and confiscating their property. The Eritrean Government was guilty of similar ill-treatment of Ethiopian residents.

84. The Ethiopian regime's failure to respect the basic human rights of its people was well documented. It had dismantled the country's civic and religious institutions and incarcerated their leaders or forced them into exile. It terrorized the rural population by confiscating land and property. Muslim and Christian community leaders were harassed and human rights activists and journalists were murdered or imprisoned.

85. He appealed to the international community, particularly the Governments of countries with political and economic influence on the Governments of Ethiopia and Eritrea, to work for peace and reconciliation and for the establishment of the basis for democratic governance.

86. Mr. ACHOUR (Organisation tunisienne de l'éducation et de la famille) said that large-scale ethnic cleansing operations in Kosovo constituted a violation of the right to life.

87. In Africa, large numbers of people, particularly women and children, were being deprived of basic human rights by poverty, famine and disease. He urged the Commission to pay more attention to violations of economic, social and cultural rights when examining particular situations.

88. His organization, while retaining its critical approach, favoured a policy of constructive participation and attached particular importance to the promotion of a national and international human rights culture that transcended traditional political and cultural differences.

89. Ms. TEXIER (France Libertés - Fondation Danielle Mitterrand) said that demonstrations by the Shiite community in Iraq following the murder of a Shiite dignitary and his two sons in February 1999 had been brutally suppressed. Several demonstrators had been killed and hundreds had been arrested. The whereabouts of hundreds of Kuwaitis captured during the Gulf war and of 180,000 Kurds who had disappeared during the Anfal campaign in the 1980s was still unknown. The Iraqi Government refused to help address the problem of anti-personnel landmines in Iraqi Kurdistan.

90. Civilians continued to be massacred in Algeria by armed groups. An independent investigation was necessary to clarify the situation. Over the past six years, some 4,000 Algerians had disappeared after being arrested or abducted by the security forces. She urged the United Nations to take steps to establish their whereabouts.

91. The Commission should obtain the consent of the Government of Mexico to a visit by the High Commissioner for Human Rights to investigate grave and persistent human rights violations there.

92. Mr. MARINO (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that human rights violations by the Indonesian authorities in East Timor included arbitrary detention, torture, ill-treatment, absence of due process and judicial safeguards, and restrictions on freedom of expression and association. The civilian population was displaced by military offensives. Disappearances were not properly investigated. The Government allowed paramilitary groups and militias to terrorize the population. Recent promises of an opportunity for the East Timorese to exercise their right to self-determination had proved false. His organization called for an end to human rights violation in East Timor, the withdrawal of Indonesian troops under United Nations supervision and the permanent installation of a United Nations peace-keeping force as well as appropriate human rights monitoring bodies.

93. His organization was concerned about persistent human rights violations, including disappearances, arbitrary detention, torture and lack of due process, in the parts of Western Sahara occupied by the Moroccan security forces. Action by the United Nations and NGOs to investigate such offences would facilitate the organization of a fair and impartial referendum so that the Saharan people could finally exercise its right of self-determination.

94. His organization was also concerned about the proposed international agreement between the Philippines and the United States concerning the treatment of visiting units of the United States armed forces. Described by the United States as a mere "executive agreement", it contained highly ambiguous provisions regarding the activities such forces could undertake in the Philippines and made no reference to the possible introduction of nuclear weapons in violation of the Philippine Constitution. The provisions concerning criminal jurisdiction for punishable acts committed by United States personnel undermined the sovereign authority of the Philippine State. The question arose whether the draft agreement was an attempt to establish a new category of protectorate over a country that had only recently recovered its international sovereignty.

95. Mr. SCOTT (International Human Rights Law Group) said that all the warring factions in Afghanistan, including the Taliban, were committing gross human rights violations. It was important to monitor the human rights situation in all areas, including those not controlled by the Taliban. The Commission should provide all possible assistance to Afghan NGOs which found it extremely difficult to operate effectively, particularly their women members. He welcomed the Special Rapporteur's report and the appointment of a human rights advisor in Afghanistan. He trusted that the Member States would provide her with the requisite support and resources.

96. He urged Nigeria to repeal such repressive legislation as State Security Decree No. 4 of 1987 (Detention of Persons), Special Decree No. 2 (Civil Disturbances) invoked to execute Mr. Saro-Wiwa and nine others, and Public Offices Decree No. 4 of 1984 (protection against False Accusation). Violence by the brutal State security operations continued, despite indications to the contrary by the Special Rapporteur. He called on the Government to address harmful traditional practices such as early marriage, unequal inheritance practices and female genital mutilation. The Special Rapporteur's mandate should be extended.

97. Peru's Amnesty Law of June 1995 attempted to erase 15 years of egregious human rights violations, depriving many people of legal remedies. He urged the Commission to appeal to the Peruvian Government to withdraw the Amnesty Law and to bring the perpetrators of human rights violations to justice.

98. The ability to enjoy fundamental human rights in the United States varied enormously, according to race, gender, language, age and sexual orientation, because of the Government's failure to abide by the provisions of its Constitution and of the international human rights treaties it had ratified. He urged the Commission to follow up on those reports which had revealed the gap between promise and practice in United States human rights protection.

Statements in exercise of the right of reply

99. Mr. ASHRAF (India), referring to the statement by the delegation of Pakistan that it would oppose initiatives intended for domestic consumption as an abuse of the Commission and would use the session only for genuine and constructive dialogue and international cooperation, said that Pakistan's conduct, year after year, made a mockery of such claims. Its only interest was to bring its bilateral or political agenda before the Commission for domestic and propaganda considerations. Even the Minister for Foreign Affairs of Pakistan had taken liberties with the truth. India categorically rejected all the allegations made by the Minister and the representative of Pakistan, including those concerning the Indian State of Jammu and Kashmir, which were totally unfounded and self-serving.

100. The Indian Prime Minister had recently travelled by bus to Pakistan as a path-breaking gesture of friendship. India was committed to a sustained and constructive process of composite dialogue and looked forward to the establishment of a stable structure of mutually beneficial cooperation and the

introduction of confidence-building measures for the peaceful resolution of all outstanding issues through direct bilateral dialogue. He urged Pakistan to adhere to that agreed path.

101. Mr. QAZI (Pakistan) said he fully understood the discomfiture of the Indian delegation as it was forced to defend its immoral and illegal position on occupied Jammu and Kashmir. India's horrendous human rights violations in the territory had been extensively documented by both Indian and international human rights organizations.

102. The representative of India had failed to respond to any specific point made by the Minister for Foreign Affairs of Pakistan. He had been unable to deny that India had sought Security Council mediation on the Kashmir dispute in 1948, that the Council had clearly determined that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through a plebiscite, that both India and Pakistan had accepted the idea of a plebiscite but that no such plebiscite had ever taken place.

103. Pakistan wanted to achieve peace and security in South Asia through dialogue but, owing to Indian obduracy, 50 years of talks on Kashmir had resulted in very little action. The outburst by the representative of India indicated that the current round of talks was headed for a similar fate - an unfortunate outcome for Pakistan, India and above all Kashmir. The Commission must not, however, allow the opportunity to slip by.

The meeting rose at 6.10 p.m.